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L A W S O F J A M A I C A ,

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PASSED IN THE TWENTY-THIRD YEAR OF THE REIGN OF

Q U E E N V I C T O R I A .

*Published under the direction of the Commissioners appointed by
59 Geo. III. Cap. xxiv.*

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T H E P U B L I C A C T S

CONTAINING

*The Titles of those passed in the Twenty-Third year of the Reign
of Queen Victoria.*

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29.	A	An act to continue in force, for a limited period, an act, entitled "An act to provide for the imposition and payment of du-	
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32.		An act to continue in force, for a limited period, "The License and Registration Duties' Acts," (twenty-first Victoria, chapter forty, twenty-second Victoria, chapter thirty-four, and twenty-third Victoria, chapter thirty-eight), and to make certain further provisions in aid of parochial expenditure	A
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CONTAINING

*The Titles of those passed in the Twenty-Fifth year of the Reign of
Queen Victoria.*

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CONTAINING

*The Titles of those passed in the [first Session of the] Twenty-Sixth
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PUBLIC ACTS.

ANNO 26 VICTORIÆ, 1862.

[Passed 12th December, 1862.]

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CONTAINING

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THE
LAWS OF JAMAICA.

ANNO REGNI VICESIMO TERTIO VICTORIÆ.

C A P. I.

An act to provide for assisting the chief-justice in the court of the precinct of Kingston.

WHEREAS it is necessary to make provision for assisting the chief-justice in the court of the precinct of Kingston: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :*

Preamble.

First—It shall be lawful for the governor, and he is hereby authorized, to appoint one of the assistant judges of the supreme court to assist the chief-justice in the court of the precinct of Kingston, holden in the city of Kingston, in the present month of November.

Governor to appoint a judge to assist the chief-justice, in Kingston,

Second—The assistant judge, who shall be so appointed, shall, on such day as the chief-justice shall appoint, during the sitting of the said court, hold, and sit in a separate court from the chief-justice, in the said city of Kingston, and from day to day thereafter, according to the course and practice of the court, and for so much of the residue of such period as [by] law fixed for the sitting of the said Kingston precinct court as may be necessary, and shall be, and hereby is empowered to act therein as a judge of assize,

who shall thereupon hold a separate court.

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oyer and terminer, and gaol delivery, fully and effectually, to all intents and purposes.

Jurors to be ballotted for, and divided between the two courts.

Third—On the day so to be fixed by the chief-justice for the holding of such additional court, for the precinct of Kingston, the clerk of the court, or his deputy, shall put the names of the jurors on the panel, written on separate pieces of card or paper, into a box, and shall separately draw therefrom the names of the jurors, the first half of whom shall be directed to sit as jurors in the court wherein the chief-justice shall preside, and the other half in the court wherein the assistant judge shall sit, but nothing herein contained shall disqualify the jurors from sitting in either of the said courts, if called on and directed so to do.

No stamp duty on commission issued under this act.

Fourth—No stamp duty shall be chargeable on any commission or appointment issued or made under the authority of this act.

C A P. II.

An act to extend and alter the sittings of the circuit courts of Saint James, and Trelawny, to be held after the October term, 1859.

St. James's circuit court fixed for second Monday in November, to continue sitting for three weeks, if necessary.

BE it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, That the schedule to the act of twenty second Victoria, chapter thirty-nine, entitled "*An act to amend 'The Judicial Amendment Act, 1855,'*" so far as regards the holding of the circuit courts of Saint James, and Trelawny, in the Cornwall circuit, for the sittings of the said courts, after the October term, one thousand eight hundred and fifty-nine, and that the next Saint James circuit court, fixed to commence and be held on the second Monday of November instant, do continue its sittings for three consecutive weeks, if necessary; and that the Trelawny circuit court shall commence and be held on the first Monday of January next, and do continue its sittings for two weeks, if necessary.

Trelawny circuit court to commence on first Monday in January, to continue sitting for two weeks, if necessary.

Notice of alteration to be published by advertisements, and by placards.

Second—That notice, in the alteration of the said courts, shall be given by public advertisement in the official gazette, and by printed or written placards, to be posted by the police on the court-houses, churches, chapels, and other places of public resort, in the said parishes of Saint James, and Trelawny.

Provost-marshal to reward jurors for courts, as altered by this act,

Third—That the provost-marshal shall cause the jurors, struck for the said circuit court of Trelawny, and who may have been already

ready warned as jurors, to be rewarned for the court, as altered by this act; and it shall not be necessary to issue any new writ of venire.

Fourth—That all persons under recognizance, and all witnesses, suitors, and others, bound and notified to attend the circuit court of Trelawny, to be held under the provisions of the twenty-second Victoria, chapter thirty-nine, shall be bound to give their attendance at the said court on the first Monday of January next, and so from day to day, until they shall be thence discharged by the said court.

Persons under recognisances, witnesses, suitors, and others, notified to attend court to be held under 22 Vic. cap. 39, to give thier attendanc at court to be held on first Monday in January next.

C A P. III.

An act to regulate the issuing of, and the proceedings under, a special commission of oyer and terminer, for the trial of certain offences committed in the county of Cornwall.

BE it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same:

First—From and after the passing of this act, it shall be lawful for the governor to issue, under the broad seal of the island, a special commission of oyer and terminer for the trial of certain offences, committed in the county of Cornwall, directed to the judges of the supreme court, and such other persons as he shall think proper to associate with them, and any three of the said commissioners (of whom a judge of the supreme court shall always be one, and shall preside), shall constitute the court to be held under such special commission.

The governor may issue a special commission, for trial of offences committed in Cornwall.

Second—The commissioners, appointed by such special commission, shall inquire, by the oaths of good and lawful men of the county into which such commission shall issue, of all crimes and offences mentioned in such commission, and hear and determine all such crimes and offences, and cause to be done therein what to justice appertains, according to law.

Commissioners to inquire by the oaths of good men of the county.

Third—The provost-marshal shall, on receiving notice from one of the judges named in the commission, that a special commission of oyer and terminer has been issued, cause a panel of sixty jurors to be struck from the last jury lists, returned into his office, of the persons qualified to serve as jurors of the several parishes in the county

Provost-marshal to strike jury.

in which such special commission is to be executed ; and the jurors, so empannelled, he shall summon, or cause to be summoned to attend on the day, and at the place where such special commission is to be opened and held ; and if the provost-marshal shall neglect to strike a panel of jurors, as herein directed, after having received notice of the issuing of a special commission, or to summon the persons included in such panel, when struck, he shall forfeit, for each neglect, the sum of three hundred pounds, the payment of which sum shall be enforced by attachment, to be issued out of the supreme court, on the application of her majesty's attorney-general.

Each juror must be summoned ten clear days before opening of commission.

Fourth—Each juror shall be summoned ten clear days at least before the opening of such special commission, and each juror, regularly summoned, who shall fail or neglect to attend at the place, and on the day mentioned in such summons, or to serve as a juror under such commission, or who shall leave, or depart, before the final termination of the proceedings, without the permission of the court, shall forfeit the sum of twenty pounds, to be recovered by attachment, to be issued out of the supreme court, on the application of her majesty's attorney-general.

Provost-marshal, and clerk of crown, must attend the court.

Fifth—The provost-marshal, and the clerk of the supreme court and crown shall, by themselves, or lawful deputies, attend from day to day during the sitting of the court, to be held under and by virtue of any special commission, issued under the authority of this act ; and if the provost-marshal, or the clerk of the supreme court and crown, shall fail or neglect so to attend, the officer making default shall forfeit the sum of three hundred pounds, to be recovered by attachment, to be issued out of the supreme court, on the application of her majesty's attorney-general.

Judges of supreme court may refuse to issue an attachment.

Sixth—It shall be lawful for the judges of the supreme court to refuse, if they shall think fit, to issue an attachment for the recovery of any penalty under this act.

Commission not to expire by death of governor.

Seventh—No commission, issued under and by virtue of this act, shall expire by reason of the death of the governor, by whom such commission was issued ; but such commission shall continue and remain in full force and effect for six months after the death of the governor, unless revoked by the successor of such governor.

No stamps necessary.

Eighth—No stamps shall be necessary to give validity to any commissions issued under, or other proceeding rendered necessary, by this act.

In case of death of judge, commission must adjourn until another judge can attend.

Ninth—In case of the illness or death of the judge, who shall attend at the court held under the authority of the commission issued

sued under this act, during the sitting of such court, any commissioner, named in such commission, shall adjourn such court from day to day, until some one of the other judges named in the commission shall attend, when the proceedings in the case pending, or in course of trial before the judge, who shall have fallen ill, or died, shall be recommenced and carried on to completion.

Tenth—It shall be lawful for the governor, with the advice of the executive committee, to direct to be paid, and the receiver-general shall pay, on the governor's warrant, such fair and reasonable sums as to the governor, and the executive committee, may seem proper, to the chief-justice, judges, commissioners, functionaries, and officers, who shall be directed or required to attend, or act at, or in, or about the business of any court, to be held under the commission to be issued under the authority of this act, as well as all reasonable expenses of crown witnesses attending such court.

Expenses of judges, &c. may be paid.

C A P. IV.

An act to make provision for granting licenses for the sale of distilled spirits, and spirituous liquors.

WHEREAS it is necessary to make provision for granting licenses for the sale of spirits: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

First—On, from, and after the fifth day of April next, and during the continuance of this act, no person shall, either himself, or by any one on his behalf, deal in, or sell any spirits by wholesale or retail, or knowingly permit any spirits to be sold in any house in his occupation, unless he shall have obtained a license for that purpose, according to the form annexed to this act, under a penalty not exceeding one hundred pounds, nor less than ten pounds, for every offence.

No person to sell spirits without a license.

Second—Every sale of spirits, without a license authorizing such sale by any person, either wholesale or by retail, agreeably to the provisions of this act, shall be taken to be a sale for profit, and evidence of any sale shall be evidence *prima facie*, and conclusive, unless contradicted, of a sale for profit; and it shall lie upon the defendant, in any proceeding for any penalty or offence under this act, to shew that the sale in question was not a sale for profit; and every act of selling any spirits without such license aforesaid, at any place, whether in any house or building, or covered or enclosed place, or in the open air, or in any quantity exceeding or less than the

What shall be taken to be a sale for profit.

the quantity authorized by the respective license obtained by any such person, shall constitute an offence against the provisions of this act, by the person at any time so selling any spirits.

No person shall hawk spirits in any street.

Third—No person shall hawk or sell, or expose to sale, any spirits, in or about any street, lane, road, highway, or other place, or in or from any boat, or other vessel upon the water, or shore, or in any other manner or place whatsoever, except as is licensed or allowed under this act, upon pain of forfeiting all such spirits, and the sum of ten pounds, or some mitigated amount, not being less than one half part thereof, for every such offence.

Any person may seize spirits so hawked.

Policeman may take person hawking spirits into custody.

And seize, and detain spirits so hawked.

Fourth—It shall be lawful for any person whomsoever to seize and detain any spirits which shall be hawked or sold, or exposed to sale, in any manner prohibited by this act, and to call on any policeman, or constable; and it shall be the duty of every policeman, or constable, either when so called on, or when he may of his own view see any person in the act of hawking, selling, or exposing to sale, in any manner prohibited by this act, any spirits whatsoever, to apprehend and detain the person whom he shall see so offending, or whom he shall be called on to apprehend for such offence; and also himself to seize and detain any spirits so hawked, sold, or exposed to sale, or to receive and keep the spirits which may have been seized by any other person as aforesaid; and, in either of the cases herein mentioned, to carry the spirits seized and detained, and also the person apprehended, before any two of the justices of the peace for the parish or precinct wherein such offence shall be committed, which said justices are hereby required to proceed to examine and deal with such person, so seized and brought before them, for such offence.

Certain persons may sell spirits under any act for regulating the collection of the duty on rum, and certain other circumstances.

Fifth—Nothing in this act contained shall prevent any person, in charge of any place whereon spirits are manufactured, from selling any spirits, agreeably to the provisions of any act passed, or to be passed for regulating the collection of the duty on rum, or other spirits, or shall prevent the personal representative of any person licensed under this act, who shall die, or the assignee of any insolvent debtor, before the expiration of his license, in respect of spirits coming to them in any of the characters or capacities aforesaid, from selling any such spirits in the house specified in such license, or the personal representative of any person not licensed under the provisions of this act, who shall die, leaving among his assets or estate a private stock, or supply of spirits, from selling such private stock, or supply of spirits; or any person from selling his private stock, or supply of spirits, not exceeding fifty gallons, amongst his effects, at any sale thereof, on departing from this island; or any person licensed as a retailer under this act from selling

ing any spirit upon the absolute and *bonâ fide* transfer of any business, and the whole stock in trade thereof, consisting of, or comprising spirits, or any interest therein, to any person, either solely, or as a partner with such seller or transferer, or, upon any change in any partnership, for the transfer or release of any interest therein; or the provost marshal general, or any officer, or person from selling any spirits under any process of law, without obtaining any license under this act; or the official assignee of any county from selling and disposing of the unexpired term of any license that may come to his hands as part of the assets of any insolvent debtor:

Sixth—It shall be lawful for the justices of the peace for each parish, in special sessions assembled, annually to grant licenses to deal in spirits, by wholesale or retail, to such persons making application for them, as they shall consider fit and proper to be licensed for such purpose.

Justices in special sessions may grant licenses.

Seventh—The custos of each parish shall summon a special session of the peace, to be holden on or before the thirty-first day of March next, and the thirty-first day of March in each succeeding year, for the purpose of receiving applications from persons desirous of obtaining licenses to deal in, and to retail spirits by wholesale and retail, and such special sessions of the peace shall be summoned by public advertisement at least seven days previous to the day fixed for the meeting, in the Jamaica Gazette, by authority, or in any newspaper usually published, or which is in circulation in the parish, and such advertisement shall be deemed and taken to be a sufficient notice of the intended meeting of such special sessions, and such special session may be adjourned, if necessary, from day to day, or from one day to another, until the whole of the applications shall have been disposed of; but if there shall not be three justices present on the day appointed for such meeting, any justice, who shall be present on such day, may adjourn such meeting from day to day, until three justices shall attend.

Custos must summon special sessions for such purpose.

Eighth—Any custos, being thereunto required by the clerk of the peace, who shall refuse or neglect to summon such special session of the peace as aforesaid, shall forfeit and pay a sum not exceeding thirty pounds; and any clerk of the peace, who shall refuse or omit to require any such custos to summon such special session, within the time required by this act, shall be liable to a penalty not exceeding thirty pounds, nor less than ten pounds.

Under a penalty of £30.

Ninth—It shall be lawful for the justices, in special session, to be summoned in the like manner in which other special sessions are by this act required to be summoned, to grant licenses at any time during the year to persons applying for them, who shall be approved

Justices in special sessions may grant licenses at any time during the year.

approved of, but the persons so applying, and approved of, shall pay the full amount fixed by this act for every license which shall be so granted.

Applications for licenses must be made in writing.

Applicant must pay the collector of dues the amount for the license, and stamp duty.

Tenth—All applications for such licenses shall be made in writing, and lodged with the clerk of the peace for the parish in which the applicant intends to carry on business, at least two days previous to the day fixed for the holding of the special sessions at which such applications are to be considered and determined upon; and every person applying for any license shall pay to the collector of dues, for the parish wherein such application shall be made, the amount by this act fixed to be paid for the license which shall be applied for; and the further sum of three pounds on each license, as a commutation in lieu of stamp duty; and every application for a license shall be accompanied by a receipt from the collector of dues as aforesaid, in the form to this act annexed, marked A, for the amount paid to him; and no application shall be entertained which shall not be accompanied by such receipt; but if such application shall be refused or rejected, the collector of dues shall, on demand, repay such amount to the person who paid the same, without any deduction whatsoever.

Price of wholesale license.

Eleventh—For each license to deal in or sell spirits by wholesale, which shall be granted by the justices as aforesaid, there shall be paid, in the city of Kingston, the sum of ten pounds.

In every other parish, the sum of five pounds.

Of retail ditto.

For each license to retail spirits, and for each tavern license, there shall be paid the undermentioned sums respectively :

In the parishes of Kingston and Saint Catherine, for a retail license, the sum of twenty-five pounds.

In the parish of Kingston, for a tavern license, the sum of twenty-five pounds.

In each of the other parishes, for a retail license, the sum of ten pounds.

For a tavern license, the sum of five pounds.

A license to sell by wholesale, not to authorize the person to whom granted to sell by retail, and vice versa.

Twelfth—A license to sell spirits by wholesale shall not authorize the person, to whom the same has been granted, to retail spirits, or to keep a tavern, nor shall a license to retail spirits, or to keep a tavern, authorize the person to whom the same has been granted, to sell rum in quantities exceeding one hundred gallons, or other spirits in quantities exceeding twenty-five gallons; and nothing in this act contained shall prevent any person, who shall be

be approved of as hereinbefore is provided, from taking out a license to sell spirits by wholesale, and also by retail, and as a tavern keeper.

Thirteenth—The moneys to be received by the collectors of dues of the several parishes, for licenses to wholesale vendors, and retailers of spirits, and tavern keepers, as well as for the stamp duties, payable thereon under this act, shall (the commissions upon the same, at the rate of five pounds for every one hundred pounds having been first deducted), be by them paid over to the receiver-general, within fourteen days next after the receipt thereof respectively, under a penalty of twenty pounds for every neglect or default; and the said monies, together with any other monies for licenses, and stamp duties as aforesaid, which shall have been paid by persons licensed as wholesale vendors of spirits themselves, to the said receiver-general, under the authority of this act, shall be carried by him to the credit of the public for spirit licenses, and for stamp duties respectively, and shall be paid and appropriated to the support of the government of this island.

Collectors of dues to pay over monies for licenses, and stamp duty, to receiver-general, within 14 days.

Fourteenth—It shall be the duty of the clerk of the peace for each parish to transmit to the receiver-general, and to the collector of dues of the parish, within ten days after each special session of the peace at which any licenses shall be granted, a return of the number of licenses granted at such special sessions, together with the names of the persons to whom the same shall have been granted, distinguishing licenses to sell spirits by wholesale from licenses to retail spirits, and to keep taverns, under a penalty of twenty pounds for every neglect or omission to make such return; and he shall, under a like penalty, also transmit a copy of such return for publication in the Jamaica Gazette, by authority, within the said period of ten days.

Clerk of peace to transmit return of licenses granted to receiver-general within 10 days after each special session.

Fifteenth—Every clerk of the peace shall, and he is hereby required, under a penalty not exceeding thirty pounds, nor less than ten pounds, to keep a separate book, to be provided by the executive committee, at the public expense, and enter and record therein all receipts and licenses within ten days after the licenses shall have been granted; and shall, under the like penalty, cause a list of the names of all persons who shall obtain licenses under the authority of this act, to be fairly transcribed and set up in the most public part of his office.

And enter all receipts and licenses in a separate book, to be kept by him.

Sixteenth—For every license which shall be granted under this act, the person receiving the same shall pay, in addition to the sums hereinbefore stated, the sum of ten shillings to the clerk of the peace, for his trouble in performing all the duties required of

Receiving ten shillings as his fee.

B

him

him by this act; and no other charge or demand shall be made, in respect of any license, beyond those specified in this act, under a penalty, on the party making such additional charge or demand, of twenty pounds for each offence.

Every license granted must be taken out within 14 days.

Seventeenth—Every license to sell spirits, which shall be granted by the justices in special session, must be taken out within fourteen days from the day on which the same was granted; and, failing to do so, such person's right to take out the same, or any other license of the same kind, during the current year, shall be forfeited.

And to continue in force until the 5th April following.

Eighteenth—Every license which shall be granted under this act, shall (unless forfeited as herein provided), continue in force from the period of the granting thereof until the fifth day of April of the year next succeeding that in which any such license shall have been granted.

Wholesale vendors to make returns to receiver-general at stated periods.

Nineteenth—Every wholesale vendor of spirits shall, on the following days, or within fourteen days thereof respectively, that is to say, on the thirtieth day of June, the thirtieth day of September, and thirty-first day of December, one thousand eight hundred and sixty; and thirty-first day of March, thirtieth day of June, thirtieth day of September, and thirty-first day of December in each succeeding year for which he may obtain a license, or so long as he shall continue to sell spirits by wholesale, make a just, true, and correct return (which return shall be declared to before a justice of the peace), to the receiver-general, according to the form to this act annexed, marked B, of all spirits which shall have been disposed of by him to any retailer of the same, or to any other person, during the quarter just ended, setting out the names in full of the retailer or other person to whom sold, the year, month, and day of the month, when the sale was effected, the quantity of spirits sold, the name of the vessel in which, and the time when, the brandy, gin, or other distilled spirits, or spirituous liquors was or were imported (where the same was imported by the vendor thereof), and the name of the person or firm from whom, and the time when, the same was purchased (where such spirits or liquors were not imported by the vendors thereof); and every retailer of spirits, and tavern keeper, shall make a just, true, and correct return (which return shall be declared to before a justice of the peace at the respective periods hereinbefore mentioned) of all rum, brandy, gin, whiskey, and other distilled spirits, and spirituous liquors imported by him, or purchased in the island from an estate, or a dealer in such spirituous liquors, during each quarter of the year, according to the form to this act annexed, marked C, mentioning the names in full, of the vessel, and master, in which such spirits and

Retailers and tavern keepers to make similar returns at same periods.

and spirituous liquors were imported, and the date of the importation, or the names in full, of all persons, or of the firm or estate from whom, or which, and the periods when, such purchases were made, under a penalty of forty shillings for every day during which he shall omit or neglect to make such return, or imprisonment in any prison, with or without hard labour, at the discretion of the justices, for any period, not exceeding ten days, for every such omission or neglect.

Twentieth—The return required to be made on the thirty-first day of March, one thousand eight hundred and sixty, or within fourteen days thereafter, shall be made, notwithstanding the expiry of the "Spirit License Act, 1855," and shall include all rum, brandy, gin, whiskey, liqueurs, cordials, and other strong waters sold by every wholesale vendor of spirits, and purchased by every retailer, and tavern keeper, from the thirty-first day of December, one thousand eight hundred and fifty-nine, to the thirty-first day of March, one thousand eight hundred and sixty, and the next return shall be from the thirty-first day of March to the thirtieth day of June, and so on, as is hereinbefore required during the remainder of the year one thousand eight hundred and sixty, and during each succeeding year.

Return required to be made in March, 1860, by spirit license act, 1855, to be made, notwithstanding the expiry of that act.

Twenty-first—No person shall sell spirits by retail, or as a tavern keeper, at more than one place, under one license, under the penalty of fifty pounds for each offence.

No person shall sell spirits in more than one place under one license.

Twenty-second—Nothing herein contained shall extend to prohibit any person, duly licensed under this act, from carrying on his trade or business, for which he shall be so licensed as aforesaid, in booths, tents, or other places, at the time and place, and within the limits of holding any lawful or accustomed amusement or exhibition, or at any public races, which shall take place in the parish for which he has a license, or shall authorize a seizure of any spirit in any such booth, tent, or other place within the limits aforesaid, in which such person, so licensed, shall so carry on his trade, or the taking or apprehending of any person therein at any time or hour during which the sale of spirits is not prohibited by law.

But may do so at any place of lawful amusement.

Twenty-third—That it shall be lawful for retailers in the parishes of Kingston and Saint Andrew's to retail, under the provisions of the preceding section, spirits on the Kingston race course, during the Kingston races.

Retailers in St. Andrew and Kingston may do so on the race course.

Twenty-fourth—The custos of any parish may, in his discretion, and upon application, sanction the removal of the place of business of a person licensed to sell spirits by retail from one part to

Custos may sanction the removal of the place of business of a licensed retailer, or the transfer of a license.

another part of the same town or parish, or the transfer of any license from one person to another, and shall thereupon make an order for such purpose, according to the form annexed to this act, marked D, which order shall be entered in a book, to be kept for that purpose by the clerk of the peace, and for which he shall be paid a fee of one shilling and six pence by the party applying for such order.

Wholesale vendors not to sell under certain quantities of spirits.

Twenty-fifth—No person licensed to sell spirits by wholesale, who is not also licensed to retail spirits, shall sell any rum in quantities less than one hundred gallons, or any brandy, gin, or whiskey, in quantities less than twenty-five gallons, or any brandy, whiskey, cordials, or liqueurs, which shall have been imported into this island in bottles, in quantities less than one dozen reputed quart, and two dozen reputed pint, bottles, under a penalty of ten pounds for every offence.

Every licensed retailer must put up a board with his name, &c. thereon, over the door of his shop.

Twenty-sixth—Every person, licensed to retail spirits under this act, shall cause a board to be affixed in the front of the house in which he retails spirits, over the door towards the public street, lane, or road, wherein the same shall be situated, with his name, and the words "*Licensed to retail brandy, gin, rum, and other distilled spirits,*" painted in white letters on a black ground, under a penalty not exceeding three pounds for each neglect.

No person to sell spirits under pretence of charging for eating only.

Twenty-seventh—Any person who, without being duly licensed, as this act requires, to sell spirits, shall sell or deliver any spirits to any person, under pretence of his paying for eating only, without any charge for the spirits, shall be considered to have sold spirits without a license, and shall be liable to the penalties hereby in such case provided.

No tavern keeper shall sell spirits to be taken away for consumption.

Twenty-eighth—No person obtaining a tavern license shall sell any spirits to be taken away from such tavern for consumption in any other place, under a penalty, not exceeding ten pounds, nor less than two pounds, for every such offence.

Restrictions with regard to tavern licenses.

Twenty-ninth—No license shall be granted to any person intending to keep a tavern, until it shall be proved, to the satisfaction of the justices, in special sessions, by the evidence of persons of good repute, which evidence the justices shall in no case dispense with, that the premises, intended to be used as a tavern, possess sufficient and proper sleeping and other apartments for the accommodation of travellers, and also fit and proper stabling for horses.

Spirits not to be retailed before daylight.

Thirtieth—No house, in which spirits are retailed, shall be opened

opened before day-light, nor kept open after the hour of nine o'clock at night; and any person licensed to retail spirits, who shall sell, or cause to be sold, any spirits, or shall open, or cause to be opened, or shall keep open his house, or cause the same to be kept open, except between the hours aforesaid, shall forfeit and pay a sum not exceeding ten pounds, nor less than two pounds, for each offence.

nor after 9 o'clock at night.

Thirty-first—Any person licensed as a retailer, or a tavern keeper, who shall knowingly permit, or suffer, or shall not use his best endeavours to prevent, and put an end to any disorderly or improper conduct in the house kept by him, or in any part of the premises attached thereto, and who shall not in all things conform himself according to law; and every person who shall be guilty of such disorderly or improper conduct in the house, or upon any part of the premises aforesaid, shall, for every such offence, forfeit and pay a sum not exceeding five pounds, nor less than ten shillings, or be imprisoned in any prison, with or without hard labour, at the discretion of the justices, for any period not less than ten, nor more than thirty days.

Retailers and tavern keepers to prevent disorderly and improper conduct in their houses.

Thirty-second—Whenever information shall be made on oath, before any justice of the peace, that any house within the jurisdiction of such justice, to the keeper of which a license has been granted, under this act, either as a tavern, or for retailing of spirits, is permitted to be the resort of prostitutes, or gamblers, or other dissolute or idle persons, or is allowed to be the scene of loose, disorderly, or improper conduct, or dancing, or drumming, it shall be lawful for such justice to issue his summons, requiring the person to whom such license shall have been granted, to appear, at a time and place to be specified in such summons, before any two justices of the peace of the parish in which such license shall have been granted, to answer the premises; and, for that purpose, to summon and compel the attendance of all necessary witnesses, and to examine such witnesses on oath, and, upon sufficient proof thereof, it shall be lawful for such justices, and they are hereby required, to certify the finding on such complaint to the custos of the parish, and to cause such certificate to be forthwith delivered to the custos, together with the evidence taken in the matter of such complaint, and the said custos shall, and he is hereby required to, summon a special session of the peace for the purpose of taking into consideration such evidence, and the certificate founded thereon; and it shall be lawful for the justices, at such session, in their discretion to cancel the license granted to the person so complained against, and also in their discretion to direct proceedings to be taken against such person for recovery of the penalty imposed by this or any other act of the legislature of this island.

Charge of disorderly conduct in any shop, or tavern, to be enquired into by justices.

Custos to summon special session to consider evidence, and cancel license, if necessary.

Thirty-third—

How penalties may be recovered.

Thirty-third—All penalties hereby imposed shall be recovered in a summary manner, by information, before any two justices of the peace for the precinct or parish; and if any such penalty be not forthwith paid, it shall be lawful for such justices, and they are hereby empowered to issue, under their hands and seals, a warrant of distress for the recovery of the same on the goods and chattels of the offender; and, in failure of such goods and chattels whereon to levy, the justices shall commit the party to any prison, with or without hard labor, as they shall direct, for any period not exceeding three calendar months.

Appropriation of same.

Thirty-fourth—All penalties, which shall be recovered under the provisions of this act, shall be applied and appropriated as follows; one moiety shall be paid to, and carried by the receiver-general to the credit of the public, and the other moiety shall go to the informer.

False swearing, how punishable.

Thirty-fifth—If any person shall falsely or untruly declare to any matter or thing in any case where a declaration is required from him by this act, every such person shall be liable to be indicted as for a misdemeanor, and shall be punishable accordingly, and the same matter shall be undertaken and prosecuted as a matter of public prosecution.

As to disqualification of witness.

Thirty-sixth—No person shall be disqualified as a witness, in support of any information prosecuted under this act, by reason of his being the informer, or on a presumption of interest, arising out of his being a resident in the parish in which such information be brought.

Definition of term house, &c.

Thirty-seventh—The word "house," whenever used in this act, shall be understood to mean a house built entirely or partially of brick, or stone, and include any shop, tavern, yard, or place in, or at, or adjoining, or appurtenant to which spirits shall be sold or retailed, unless in any of the cases aforesaid it be otherwise specially provided, or there is something in the subject or context repugnant to such construction; the word "estate," shall mean the place whereon any spirit is distilled, or manufactured; the words "deal in," and "sell," shall respectively mean "dispose of by barter or otherwise;" the word "spirits," shall mean rum, brandy, gin, whiskey, and other distilled spirits, and spirituous liquors; the word "retail," shall mean sell, or dispose of, by barter or otherwise; the word "occupation," shall mean possession.

Short title of act.

Thirty-eighth—In citing this act in any instrument, document, or proceeding, it shall be sufficient to use the expression "Spirit License Act, 1859."

Thirty-ninth—

Thirty-ninth—Notwithstanding the expiry of the "Spirit License Act, 1855," on the thirty-first day of March, one thousand eight hundred and sixty, any offence committed against any of its provisions, may be proceeded for, and punished; and every penalty imposed thereby, sued for, and recovered, or enforced, as if the said act had not expired.

Offences committed under "Spirit License Act, 1855," may be prosecuted.

Fortieth—This act shall come into operation, and continue in force on, from, and after the first day of April, one thousand eight hundred and sixty, until the thirty-first day of March, one thousand eight hundred and sixty-seven; and, notwithstanding the expiry of this act, any offence committed against any of its provisions may be proceeded for, and punished; and every penalty by this act imposed, may be sued for, and recovered, or enforced, as if the same had not expired.

Continuance of act.

FORM OF A LICENSE TO SELL SPIRITS BY WHOLESALE.

JAMAICA, SS.

At a special session of the peace, held in and for the parish of _____ on the _____ day of _____ in the year of our Lord, 186 _____ for that purpose, A. B. of the said parish, having been approved of as a vendor of spirits by wholesale in such parish, and paid the tax required by law: These are to license the said _____ to sell spirits wholesale, or in quantities not less than are mentioned in "THE SPIRIT LICENSE ACT, 1859," from the _____ day of _____ 186 _____ to the 5th day of April, in the year of our Lord, 186 _____

Dated this _____ day of _____ 186 _____

FORM OF A LICENSE TO RETAIL SPIRITUOUS LIQUORS BY A RETAILER.

JAMAICA, SS.

At a special session of the peace, held in and for the parish of _____ on the _____ day of _____ in the year of our Lord, 186 _____ for that purpose, A. B. of _____ having been approved of as a retailer of spirits, to be consumed in, or conveyed from, a certain house at present occupied by _____ him

him, situate at (in a town, state street, and number), in the said parish, and paid the tax required by law :
These are to license the said to sell and dispose of spirits by retail, to be drank and consumed on the premises above-mentioned, or to be taken therefrom, at the option of the purchaser, in quantities not exceeding the quantities mentioned in "THE SPIRIT LICENSE ACT, 1859 ;" and provided that he do not wilfully or knowingly permit drunkenness, or other disorderly conduct, on his said premises, but do maintain good order and rule therein : This license to be in force until the fifth day of April, in the year of our Lord, one thousand eight hundred and

*Dated this day of
 in the year of our Lord one thousand }
 eight hundred and*

FORM OF A TAVERN LICENSE.

JAMAICA, ES.

At a special session of the peace, held in and for the parish of on the day of in the year of our Lord, 186 for that purpose, A. B. of having been approved of as a retailer of spirits, to be drank or consumed in a certain tavern, for the accommodation of travellers, situate at (in a town, state street, and number), in the said parish, and paid the tax required by law : These are therefore to license the said to sell and dispose of spirits, to be drank and consumed on the above-mentioned premises, and provided the said does not permit drunkenness, or other disorderly conduct, in his said tavern, and premises, nor permit, or suffer any spirits to be conveyed from or out of his said premises, and maintains good order and rule therein : This license to continue in force until the fifth day of April, one thousand eight hundred and

*Dated this day of
 one thousand eight hundred and }
 sixty*

FORM A.

FORM A.

*Received day of 186 from
of the parish of the sum of pounds,
for a license, for the parish of
and the further sum of three pounds, in lieu of stamp duty
thereon.*

Collector of dues for the parish of

C

SCHEDULE B.

SCHEDULE B.—WHOLESALE VENDOR'S RETURN.

A RETURN of all Rum, Brandy, Gin, Whiskey, Liqueurs, Cordials, and other Strong Waters sold by me, ⁽¹⁾
 of the Parish of ⁽²⁾ Wholesale Vendor of Spirits, from the ⁽³⁾ day of ⁽⁴⁾
 to the ⁽⁵⁾ day of ⁽⁶⁾ 186 ⁽⁷⁾

Year, Month, and day of the sale was effected.	Names in full of the Persons, or of the Firms to whom sold.	Number of Gallons of Rum, and strength of same, sold.	Number of Gallons of Brandy, and strength of same, sold.	Number of Gallons of Gin, and Strength, sold.	Number of Gallons of Whiskey sold, and Strength.	Number of Bottles of Brandy (imported in Bottles,) sold.	Number of Bottles of Liqueurs, and Cordials (imported in Bottles,) sold.	Number of Gallons of other Distilled Spirits, and Strength.	Name of the Vessel in which the Brandy, &c. sold was imported.	Year, and Quarter of the Year, in which the importation took place.	Name of the Person or Firm from whom the Rum or Brandy, was purchased, in case of its having been purchased.	Year, and Quarter of the Year, in which the purchase was made.	State whether the quantity sold is a part, or the whole of the quantity purchased; and, if a part, then mention the entire quantity purchased.
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SCHEDULE C.

- 1.—Name of the wholesale vendor.
- 2.—Name of the parish in which he carries on business.
- 3, 4.—Day of January, or March, or otherwise, as the case may be.
- 5, 6.—31st day of March, 30th June, or otherwise, as the case may be.
- 7.—1860, or otherwise, as the case may be.

I, (A. B.) do declare, that the above is a just, true, and correct Return of all the Distilled Spirits, and Spirituous Liquors sold by me during the Quarter of the Year ended the day of last.

Declared before me, this day of 186

A. B.

C. D. Justice of the Peace.

SCHEDULE C.—RETAILERS AND TAVERN KEEPER'S RETURN.

A RETURN of all Rum, Brandy, Gin, Whiskey, Liqueurs, Cordials, and other Strong Waters, purchased and imported by me⁽¹⁾ of the Parish of⁽³⁾ to the⁽⁵⁾ day of⁽⁶⁾ 186⁽⁷⁾ Retailer of Spirituous Liquors (or Tavern Keeper, as the case may be), from the⁽³⁾ day of⁽⁴⁾

Year, Month, and Day of the Month when each Purchase was Made.	Name of the Estate, Person, or Firm from whom each Purchase was Made.	Number of Gallons of Rum (and the strength) Purchased.	Number of Gallons of Brandy (and the strength) Purchased.	Number of Gallons of Gin Purchased, & Strength.	Number of Gallons of Whiskey Purchased, & Strength.	Number of Bottles of Brandy (Imported & Strength) Purchased.	Number of Bottles of Liqueurs and Cordials (Imported & Strength) Purchased.	Year, Month, and Day of the Month when each Importation took place.	Name of the Ship or Vessel, and of the Master, in which Imported.	Number of Gallons of Brandy (and the strength) Imported.	Number of Gallons of Gin Imported, and Strength.	Number of Gallons of Whiskey Imported, & Strength.	Number of Bottles of Brandy Imported in Bottles.	Number of Bottles of Liqueurs and Cordials Imported in Bottles.

C 2

- 1.—Name of the Retailer or Tavern Keeper.
 - 2.—Name of the Parish in which he carries on Business.
 - 3, 4.—Days of January or March, or otherwise (as the case may be.)
 - 5, 6.—Day of March or June, or otherwise (as the case may be.)
 - 7.—1860, or otherwise (as the case may be.)
- Declared before me, this day of 186⁽⁷⁾
A. B.
C. D. Justice of the Peace.

SCHEDULE D.

SCHEDULE B.—WHOLESALE VENDOR'S RETURN.

A RETURN of all Rum, Brandy, Gin, Whiskey, Liqueurs, Cordials, and other Strong Waters sold by me, ⁽¹⁾
of the Parish of ⁽²⁾ Wholesale Vendor of Spirits, from the ⁽³⁾ day of ⁽⁴⁾
to the ⁽⁵⁾ day of ⁽⁶⁾ 186 ⁽⁷⁾

Year, Month, and day of the sale was effected.	Names in full of the Persons, or of the Firms to whom sold.	Number of Gallons of Rum, and strength of same, sold.	Number of Gallons of Brandy, and strength of same, sold.	Number of Gallons of Gin, and strength, sold.	Number of Gallons of Whiskey sold, and strength.	Number of Bottles of Brandy (imported in Bottles,) sold.	Number of Bottles of Liqueurs, and Cordials (imported in Bottles,) sold.	Number of Gallons of other Distilled Spirits, and strength.	Name of the Vessel in which the Brandy, &c. sold was imported.	Year, and Quarter of the Year, in which the importation took place.	Name of the Person or Firm from whom the Rum or Brandy, was purchased, in case of its having been purchased.	Year, and Quarter of the Year, in which the purchase was made.	State whether the quantity sold is a part, or the whole of the quantity purchased; and, if a part, then mention the entire quantity purchased.
--	---	---	--	---	--	--	--	---	--	---	--	--	--

- 1.—Name of the wholesale vendor.
- 2.—Name of the parish in which he carries on business.
- 3, 4.—Day of January, or March, or otherwise, as the case may be.
- 5, 6.—31st day of March, 30th June, or otherwise, as the case may be.
- 7.—1860, or otherwise, as the case may be.

I, (A. B.) do declare, that the above is a just, true, and correct Return of all the Distilled Spirits, and Spirituous Liquors sold by me during the Quarter of the Year ended the day of last.

A. B.

186

Declared before me, this day of C. D. Justice of the Peace.

SCHEDULE C.

SCHEDULE C.—RETAILER'S AND TAVERN KEEPER'S RETURN.

A RETURN of all Rum, Brandy, Gin, Whiskey, Liqueurs, Cordials, and other Strong Waters, purchased and imported by me (1) of the Parish of (2) to the (3) day of (4) 186 (5) day of (6) 186 (7) **Retailer of Spirituous Liquors (or Tavern Keeper, as the case may be), from the (3) day of (4) to the (5) day of (6) 186 (7)**

Year, Month, and Day of the Month when each Purchase was Made.	Name of the Estate, Person, or Firm from whom each Purchase was Made.	Number of Gallons of Rum (and the strength) Purchased.	Number of Gallons of Brandy (and the strength) Purchased.	Number of Gallons of Gin Purchased, & Strength.	Number of Gallons of Whiskey Purchased, & Strength.	Number of Brandy (Imported in Bottles) Purchased.	Number of Liqueurs and Cordials (Imported in Bottles) Purchased.	Year, Month, and Day of the Month when each Importation took place.	Name of the Ship or Vessel, and of the Master, in which Imported.	Number of Gallons of Brandy (and the strength) Imported.	Number of Gallons of Gin Imported, and Strength.	Number of Gallons of Whiskey Imported, & Strength.	Number of Bottles of Brandy Imported in Bottles.	Number of Bottles of Liqueurs and Cordials Imported in Bottles.

C 2

I, (A. B.) do declare, that the above is a just, true, and correct Return of all the Distilled Spirits, and Spirituous Liquors purchased and imported by me during the quarter of the year ended the day of 186

A. B.

Declared before me, this day of 186

C. D. Justice of the Peace.

- 1.—Name of the Retailer or Tavern Keeper.
- 2.—Name of the Parish in which he carries on Business
- 3, 4.—Days of January or March, or otherwise (as the case may be.)
- 5, 6.—Day of March or June, or otherwise (as the case may be.)
- 7.—1860, or otherwise (as the case may be.)

SCHEDULE D.

SCHEDULE D.

FORM OF ORDER FOR A TRANSFER OF LICENSE.

JAMAICA, SS.

Parish of
Ordered, day of 186
That carrying on business as a retailer,
or tavern keeper, in the of have
permission to transfer his license from the house for which it
was originally granted, to the house now in his possession at
(state street, and number of house, if in a
town, or situation, otherwise), or to of the said
of for the sale of spirits by retail,
(or as tavern keeper, as the case may be).

A. B.

custos, or senior magistrate.

C A P. V.

*An act to consolidate and amend the laws relating to har-
bours.*

Preamble.

WHEREAS it is necessary to consolidate the laws relating to
harbours: *Be it enacted by the governor, legislative coun-
cil, and assembly of this island, and it is hereby enacted by the au-
thority of the same, as follows:*

Governor may ap-
point harbour masters
and ports in schedule.

First—It shall be lawful for the governor, by instrument, in
writing, under his hand and seal, to appoint a master-mariner, or
other efficient person, as harbour-master, upon a vacancy occur-
ring in any of the ports or parishes mentioned in the schedule
marked A, annexed to this act, to such port; to remove any har-
bour-master so to be, or any harbour-master at any time hereto-
fore appointed, and fill up vacancies when and as often as they shall
occur by death, departure from the island, resignation, removal
from the parish, or any other cause.

Duties of harbour
master.

Second—Every harbour-master shall, and he is hereby required,
to do and perform the undermentioned duties, acts, matters, and
things in the port or parish for which he is harbour-master.

He shall, upon his appointment, take and subscribe the fol-
lowing oath, before a justice of the peace, which oath any jus-
tice of the peace is hereby authorized to administer:

"I,

"I, *do swear, that I will faithfully, and impartially, and, to the best of my ability and judgment, perform, as harbour-master for the port (or parish) of the duties imposed upon me by 'Harbour's Regulation Act, 1859,' and which shall be imposed by any regulations to be issued by the governor, in executive committee, under the authority of the same.*"

Which oath shall be lodged with the clerk of the vestry for the parish, and by him preserved in his office.

Any harbour-master, hereafter to be appointed, shall, in person, except when prevented by illness; and any harbour-master, already appointed, shall, by himself, or his lawful deputy, perform the duties of harbour-master, and reside at the port for which he is the harbour-master, or within five miles thereof; and, if harbour-master for more than one port, in some part of the parish convenient for visiting the several ports, and particularly the principal one in it.

He shall appoint, in writing, whenever necessary, the place in the harbour where ballast, rubbish, earth, stone, sand, gravel, or any other useless or unserviceable article or thing shall be thrown, and left from any vessel.

He shall direct and regulate the position, mooring, unmooring, and removal of every vessel arriving at, or lying in, the port.

He shall take charge of every vessel which shall happen to be on fire, and give such directions as he shall think proper for preventing the spread of, and for extinguishing such fire.

He shall furnish the captain of every vessel trading beyond the tropics, within twenty-four hours after such vessel shall have anchored at the end of each voyage, and the captain of every vessel trading within the tropics, twice every year, in the months of January and July, or as soon thereafter as practicable, with a printed copy of the harbour regulations, or such parts of this act as the commissioners for each port shall consider necessary, and shall provide for the guidance of each captain.

Third—The harbour-master for the harbour of Kingston shall, and he is hereby required, to do and perform the undermentioned duties, acts, matters, and things, in addition to all others imposed by this act.

Of harbour master at Kingston.

He

He shall demand from the captain of every vessel entering that harbour with gunpowder on board, within twenty-four hours after the delivery, to such master, of the harbour regulations, the receipt of the officer in charge of the magazine at Fort-Charles for such gunpowder.

He shall see that every vessel in that harbour is at all times moored at a distance not less than fifty fathoms from the nearest wharf, except between the first day of August and the thirtieth day of November inclusive, during which time the distance shall be not less than one hundred fathoms from the nearest wharf, and is unloaded and loaded by boats, except whilst discharging or taking in cargo alongside a wharf, as hereinafter provided.

That no vessel approaches or remains within a less distance than aforesaid for the purpose, or on pretence of unloading, or loading goods on or from any wharf, until such wharf shall be ready for her reception alongside.

That no vessel is allowed to remain alongside any wharf for the purpose of unloading or loading for a longer period than hereinafter mentioned ; that is to say :—

A vessel under one hundred and fifty tons burthen, for more than four working days.

Above one hundred and fifty tons, and under two hundred tons, for more than six working days.

From two hundred to two hundred and fifty tons, for more than eight working days.

Above two hundred and fifty tons, for more than twelve working days.

But if any vessel shall, within the period allowed, complete her unloading or loading, such vessel shall be immediately removed from the wharf ; and if any vessel shall not have completed her unloading or loading within the period allowed, and there shall not be any other vessel ready to unload or load at the same wharf, such vessel shall be allowed to continue at such wharf until she shall have completed her unloading or loading, or there shall be another vessel ready to come alongside such wharf for the purpose of unloading or loading.

That whenever the business of any wharf is incommoded or obstructed by more than one vessel being moored at a neighbouring

bouring wharf, the vessel first moored at such neighbouring wharf, is removed, if the time allowed for her unloading or loading has expired; and, if not, that the vessel which arrived last is removed, until the time allowed for unloading or loading the vessel which first arrived, has expired.

That every vessel, while lying alongside any wharf, has at all times a fit and proper anchor out in a south easterly direction from her bow, at a distance of not less than thirty fathoms.

That no vessel has a bow fast, or stern fast attached or affixed to any wharf, when such vessel is not unloading or loading thereat.

That no vessel is allowed to swing within the distance of two hundred fathoms from any wharf; and that every vessel anchored, or lying within that distance, has out at all times a good and sufficient anchor a-head, in the direction east south east from such vessel, with a good and sufficient cable, and a proper kedge anchor astern in a direction west north west from such vessel, with a good and sufficient hawser attached thereto, with buoys fastened to such anchor and kedge anchor respectively by buoy ropes, which shall not exceed in length the depth of the water where such anchor and kedge anchor respectively lie by more than one fathom.

That no vessel has at any time her anchor a cock bill, or hanging over the bows, but that the anchor is properly fished to the bow, so as not to injure any boat or craft passing such vessel, or taken on deck, if necessary, or required by the person in charge of any wharf, while such vessel shall be lying alongside of such wharf.

Fourth—Every harbour-master who, from ignorance or neglect, shall moor, or place any vessel in such a position as to occasion damage to it, or to any other vessel, or to any wharf, shall be liable to make good such damage, and may be proceeded against by action of debt in the supreme court.

Harbour-master to make good damage occasioned by neglect.

Fifth—Every harbour-master who shall omit, neglect, or refuse to do and perform the several duties, matters, and things required by this act, or by any regulation issued by the governor, in executive committee, to be done by him, shall forfeit and pay a sum not exceeding fifty pounds, and may be removed from his appointment as such harbour-master.

Penalty on harbour-master for neglect of duty.

Sixth—The harbour-masters of the several ports or parishes, mentioned

Fees and salaries of harbour master,

tioned in schedule A, shall be entitled to receive the fees and salaries set opposite to the port or parish in schedule B, to this act annexed, for which they are respectively the harbour-masters; and such fees and salaries shall be respectively payable, or collected, and received in like manner as the fees and salaries respectively appertaining to the respective offices are now paid, or collected, and received.

Penalty on captains and others committing certain offences in Kingston.

Seventh—Every captain of a vessel, or other person, who shall commit any of the following offences in the harbour of Kingston, shall, upon conviction, forfeit and pay a sum not exceeding sixty pounds, or suffer imprisonment in any prison, with or without hard labour, for any period not exceeding three months :

Who shall take up, or carry away, without the permission of the harbour-master, any earth, sand, stones, or ballast, from the pallisadoes.

Who shall not, within twenty-four hours after he has anchored the vessel under his command, deposit all the gunpowder in such vessel at Fort Charles, or within twenty-four hours after he has received the harbour regulations; and, on demand of the harbour-master, produce to such harbour-master a receipt from the officer in charge of the magazine at Fort Charles for such gunpowder.

Who shall receive any gunpowder, or knowingly permit the same to be received on board his vessel, in the said harbour.

Who shall not, within forty-eight hours after dropping anchor, have the flying jib-boom, and main boom of his vessel close rigged in, and her sprit sail-yard on deck, or fore-and-aft, under the boat-sprit, and shall not so continue whilst such vessel shall be within the distance of two hundred fathoms from the nearest wharf.

In other harbours, including Kingston.

Eighth—Every captain of a vessel, or other person, who shall commit any of the following offences in any harbour, shall, upon conviction, forfeit and pay a sum not exceeding sixty pounds, or be imprisoned in any prison, with or without hard labor, for any period not exceeding three months :

Refusing, or neglecting to moor, unmoor, remove, or place any vessel at the time, and in the manner, directed by the harbour-master of the harbour in which the vessel shall happen to be.

Obstructing, or hindering the mooring, unmooring, removal

moval, or placing of any vessel in any harbour, ordered by the harbour master to be moored, unmoored, removed, or placed in any situation, or place.

Obstructing any harbour-master in the discharge of any of the duties imposed by this act, or any regulation issued by the governor, in executive committee.

Throwing, or casting into, or depositing in, or causing to be thrown, or cast into, or deposited in, any harbour, or part thereof, other than the place appointed by the harbour-master for the reception of the same, any ballast, rubbish, earth, stone, sand, gravel, or other useless or unserviceable article.

Throwing, or casting into, or letting go, or causing to be thrown, or cast into, or let go, in any harbour, or leaving, or causing to be left on the shore of the sea of the same, without the permission of the harbour-master, the carcass of any animal, either from on board of any vessel in, or from any part of the shore of, such harbour.

Suffering the dead body of any human being, or the carcass of any animal, to remain on board of any vessel more than twelve hours.

Dropping anchor at any time between the first day of December, and the thirty-first day of July, inclusive, at a distance less than fifty fathoms, and at any time between the first day of August, and the thirtieth day of November inclusive, at a distance less than one hundred fathoms from the nearest wharf.

Allowing pitch, tar, turpentine, rosin, or other combustible matter to be boiled or heated on board of any vessel, or in any boat, unless such boat shall have been moored at least thirty fathoms distant from the nearest vessel and wharf.

Burning, scorching, or paying, or allowing the side or bottom of any vessel to be burned, scorched, or payed at any place in any harbour other than a careening place, or place appointed by the harbour-master for the purpose.

Kindling, or permitting a fire to be kindled, on board of any vessel, in any other than a proper iron fire place, or cabin; or kindling any fire, or permitting the same to be kindled, or kept burning after the hour of eight at night.

Beating, blowing, or using, or permitting to be beat, blown, or used on board of any vessel, any drum, trumpet, horn, or
D other

other noisy instrument, to the disturbance or annoyance of any of the inhabitants of any city or town binding on, or adjacent to, the harbour in which such vessel shall be lying.

Employing, or causing to be employed, or permitting to remain on board of any vessel, any indentured apprentice, or immigrant laborer under contract, without the permission of his master or employer.

Removing any vessel from one wharf to another, or from any other place to a wharf, without having previously informed the harbour-master, and received his direction in respect to such removal.

Discharging, or causing or permitting to be discharged, any fire-arms on board of any vessel; a steam vessel, whose anchor is about to be weighed, preparatory to her departure, excepted.

Refusing, or neglecting, whenever a boat is passing to or from any wharf to which a vessel is attached by a bow or stern fast, to slacken such bow or stern fast, so as to permit the passage of such boat; or, whenever a boat is veered astern of any vessel, to haul such boat up close astern of such vessel, whenever any other vessel shall happen to be passing.

Using any net or seine for catching fish (shrimp nets excepted) having meshes in any part thereof of less dimensions than one inch and one quarter of an inch between knot and knot.

Using any net or seine for catching shrimps of a greater length than two fathoms and one half of a fathom, or joining two or more of such nets or seines.

Cutting, breaking, or untying the rope or chain by which any buoy is held to, or connected with, any anchor, place, or thing; or setting loose any buoy from any anchor, place, or thing, to which it shall have been attached.

Using an unlicensed or unregistered boat, which shall not belong to any vessel in the harbour, or shall not be carrying freight from, or to such harbour for the vessel to which such boat belongs.

Penalty on persons
sinking vessels in any
harbour.

Ninth—Every person who shall wilfully sink any vessel, or cause the same to be sunk in any harbour, without having first obtained the permission of the commissioners for the harbour in which

which the vessel is sunk, in writing, under their hands, or the hand of their clerk, shall forfeit and pay the sum of five hundred pounds, and be liable besides to answer in damages to such commissioners for all expenses incurred by them in removing such vessel, and all damages occasioned by the sinking of the same.

Tenth—If any vessel shall be sunk in any harbour accidentally, and the owner or consignee thereof shall fail to remove such vessel out of the limits of such harbour, or to such part thereof as the harbour-master shall appoint, within three months after such owner or consignee shall have been required, in writing, by the harbour-master, to do so, such vessel shall become forfeited to the commissioners for the harbour, who shall remove the same at the expense of the parish, and dispose of the vessel, or the materials saved therefrom, by public outcry, for the most money that can be got for the same, which monies, when received, shall be paid to the receiver-general, for the use of the parish.

As to vessels accidentally sunk.

Eleventh—If any person shall dig up, or carry away, any stones, sand, or ballast from any reef, or breakwater, by which any harbour is protected, he shall forfeit and pay a sum not exceeding twenty-pounds, or suffer imprisonment in any prison, with or without hard labour, for any period not exceeding thirty days.

Penalty on person digging or carrying away stones, &c. from any breakwater, &c.

Twelfth—The common council of Kingston, and the vestries of the several parishes mentioned in schedule A, to this act annexed, shall be, and are hereby respectively declared to be, commissioners for carrying this act into effect in the several parishes mentioned in such schedule.

Common council of Kingston, and vestries of other parishes, to be commissioners under this act.

Thirteenth—If any person, who is a member of the committee for any parish, or interested in any wharf in any port as owner, lessee, tenant, or wharfinger, shall be appointed a harbour-master for such port, parish, or harbour, the appointment of such person shall be void; and if any harbour-master shall become a commissioner, or interested in any wharf as aforesaid, he shall be taken to have resigned his appointment as such harbour-master, and the governor shall, in either case, appoint some other person to fill the vacancy so created.

Appointment of certain persons as harbour masters void.

Harbour master becoming a commissioner, vacates his office.

Fourteenth—If any difference shall arise between the harbour-master of any harbour and any person, respecting the mooring, unmooring, or removal of any vessel from one part of such harbour to another, or from, or to any wharf, such difference shall be adjusted by any three members of the committee for such harbour, which committee the common council of Kingston, and the vestry of every other parish mentioned in schedule A, to this act annexed, shall,

Differences between harbour masters and others to be settled by committee of commissioners.

to be appointed by
common council, and
vestries.

and are hereby required to appoint at the commencement of every year, or at each quarterly vestry ; and such committee shall consist of persons residing at or near the port for which they are a committee of the commissioners ; but no member of any such committee shall act in any case in which he is in any way concerned or interested.

Harbour master may,
in case of illness, ap-
point a deputy.

Fifteenth—That if any harbour-master, hereafter to be appointed, shall be unable to attend to his duties, from illness, or otherwise, he may appoint a fit and proper person to be his deputy, at such remuneration as hereinafter mentioned.

Subject to the appro-
val of the governor.

Sixteenth—That before any appointment of any deputy by any harbour-master shall be made, such appointment shall be subject to the approval of the governor ; and it shall be lawful for the governor, in executive committee, to fix any portion of the emoluments of the said office, not exceeding one-half thereof, as may be considered adequate for the services to be performed by such deputy.

Upon harbour master-
ship of Kingston and
St. Thomas in the
East becoming vacant,
fees on droppers to be
reduced.

Seventeenth—That immediately after the death, resignation, or removal of the officers now filling the offices of harbour-master of Kingston, and Saint Thomas in the East, respectively, the fees to be paid to, and received by their successors, on coasting vessels, shall not exceed the sum of one shilling and six pence *per* quarter.

Penalties, how recover-
able.

Eighteenth—The several penalties imposed by this act, which do not exceed sixty pounds, shall be proceeded for and recovered in a summary manner before the justices in petty sessions, and the payment thereof enforced under the provisions of any act now or hereafter to be in force for the recovery of small debts ; all penalties exceeding sixty pounds shall be proceeded for by action of debt in the supreme court, and, when recovered, such respective penalties shall be payable, one moiety to the credit of the public of this island, and the other moiety to the informer, who shall be a competent witness in any proceeding.

Certain acts repealed.

Nineteenth—The following acts, and parts of acts, shall be, and the same are hereby severally, repealed :

Third George second, chapter eleven :

Thirty-first George second, chapter nineteen, section seven :

Twenty-third George third, chapter eight, sections seventeen to twenty-six, inclusive :

Twenty-third George third, chapters twenty-six and twenty-seven ;

Twenty-fifth

Twenty-fifth George third, chapter sixteen :

Thirty-fifth George third, chapter thirty-five, sections forty-four and forty-five :

Forty-fourth George third, chapter twenty :

Forty-sixth George third, chapter sixteen :

Forty-eighth George third, chapter twenty-three, section eight :

Forty-eighth George third, chapter twenty-nine :

Forty-ninth George third, chapter twenty-seven :

Fifty-ninth George third, chapter fifteen :

Sixtieth George third, chapter fifteen :

Sixteenth Victoria, chapter nineteen :

But every appointment made, and every act done under the authority of either of such acts respectively, is hereby declared valid and confirmed; and any offence against any of the provisions of either of such acts may be punished, and any penalty incurred thereunder respectively, may be proceeded for, and recovered, or enforced, as if this act had not been passed.

Twentieth—The expression "harbour-master," is hereby substituted for the expression "water-bailiff," used in any of the before recited acts hereby repealed, and shall be read and understood in the same sense as the expression water-bailiff is used in any of such acts; the term "captain," shall, whenever used in this act, mean and include master, or person at the time in charge of the vessel; the term "boat," shall mean and include canoe, and other craft, without a deck; the term "vessel," shall mean and include ship, barque, brig, schooner, sloop, or other craft with a deck, whether propelled by steam, or otherwise; and the term "harbour," shall mean roadstead or harbour.

The words harbour-master, &c., defined.

Twenty-first—This act may, for all purposes, be cited as the "Harbours Regulation Act, 1859." Short title of act.

SCHEDULE A.

SCHEDULE A.

Parishes and Ports for which Harbour Masters may be Appointed.

PARISHES.	PORTS.	PRINCIPAL PORTS.
Kingston.....	Kingston	
St. Thomas in the East...	Morant-Bay, Port Morant, and Manchioneal.	Morant-Bay.
Metcalf.....	Annotto-Bay.	
St. Mary.....	Port Maria, Oracabessa, and Rio Nuevo.	Port Maria.
Trelawny.....	Falmouth, and Martha Brae.	Falmouth.
Hanover.....	Lucea, and Green Island.	Lucea.
St. James.....	Montego-Bay	
St. Elizabeth.....	Gravesend.	
St. Dorothy.....	Old Harbour, Salt River, and Clarendon Bay.	Old Harbour.
Westmoreland.....	Savanna-la-Mar.	
St. Ann.....	St. Ann's Bay, Ocho-Rios, and Rio Bueno.	St. Ann's Bay.
Portland.....	Port Antonio.	
Manchester.....	Alligator Pond.	

SCHEDULE B.

SCHEDULE B.

Fees and Salaries payable to the Harbour Masters of the several Parishes.

PARISHES.	DESCRIPTION OF VESSEL.	Vessels trading North of the Tropic of Cancer, each Voyage.	Vessel trading between the Tropics, each Voyage.	Coasting Vessels, payable quarterly.	Annual Salary.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.
KINGSTON ..	Ship, or three masted vessel	1 12 0	0 16 0		
	Brig, or brigantine	1 4 0	0 12 0		
	Schooner, or sloop	0 16 0	0 8 0		
	Coasting vessel	...	..	0 8 0	
ST. THOMAS IN THE EAST...	Ship, or three masted vessel	1 16 0	0 18 0		
	Brig, or brigantine	1 4 0	0 12 0		
	Schooner, or sloop	0 18 0	0 9 0		
	Coasting vessel	..	...	0 6 0	
METCALFE ..	Ship, or three masted vessel	0 9 0	0 4 6		
	Brig, or brigantine	0 6 0	0 3 0		30 0 0
	Schooner, or sloop	0 4 6	0 2 3		
	Coasting vessel	...	...	0 1 6	
ST. MARY ..	Same fees as Metcalfe.				60 0 0
TRELAWNY ..	Same fees as Metcalfe.				84 0 0
HANOVER ..	Ship, or three masted vessel	0 9 0	0 4 6		
	Brig, or brigantine	0 6 0	0 3 0		36 0 0
	Schooner, or sloop	0 4 6	0 2 3		
ST. JAMES ..					36 0 0
ST. ELIZABETH ..	Same fees as Hanover.				
ST. DOROTHY ..	Ship, or three masted vessel	0 18 0	0 9 0		
	Brig, or brigantine	0 9 0	0 4 6		
	Schooner, or sloop	0 6 0	0 3 0		
WESTMORELAND ..	Same fees as Metcalfe.				
ST. ANN ..	Same fees as Metcalfe.				
PORTLAND ..	Same fees as Metcalfe.				
MANCHESTER ..	Same fees as Metcalfe.				

C A P.

C A P. VI.

An act to amend the laws relating to the bath of Saint Thomas the Apostle.

Preamble.

WHEREAS it is necessary to amend the laws relating to the bath of Saint Thomas the Apostle : *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :*

Certain persons named, with five others, to be elected,

shall be a body corporate, and the directors of the Bath,

and authorized to do and perform certain acts.

First—The custos, and members of assembly for the parish of Saint Thomas in the East, the curate of the parish of Bath, and five other persons, residing in the said parish of Bath, to be elected by the justices of the peace for the parish of Saint Thomas in the East, in special session of no less than five justices, on the passing of this act, and such other persons residing in such parish, as may from time to time be in like manner elected to fill any vacancy from death, resignation, departure from the island, or removal from the parish, in the number of five persons, so to be elected, shall be a body politic and corporate, and be incorporated, and have succession, by the name of “ *The Directors of the Bath of Saint Thomas the Apostle* ;” and such directors shall hold, to them, and their successors for ever, all lands now belonging to, or forming part of, the said bath of Saint Thomas the Apostle, and vested in the present directors of the same, and which may hereafter be purchased for the purposes of the said Bath, or the use of persons resorting to the same.

Second—The directors, under this act, and their successors, are hereby authorized and empowered, by the name of “ *The Directors of the Bath of Saint Thomas the Apostle* ,” to perform the undermentioned duties, acts, matters, and things.

To sue and be sued, implead and be impleaded, answer and be answered, in all courts within this island, and in all suits whatsoever, in the same manner as any other person or body politic or corporate might do.

To demise, lease, or rent any part, or the whole of the lands now belonging to the said Bath, or which may hereafter belong to the same, which shall not be required for the purposes of the said Bath, for any period not exceeding twenty-one years, for the most money that can be had or obtained for the same.

To have and use a common seal for making, granting, and demising such lands, and doing all other matters concerning the

the said corporation, and to change or alter such seal whenever they, or a majority of them, shall think proper to do so.

To appoint a clerk, who shall reside in the town of Bath, or its immediate neighbourhood; to remove such clerk whenever they shall think proper, and appoint another in his stead; to pay such clerk a salary not exceeding twenty pounds *per annum*, and to fill up vacancies in the situation of clerk, whenever they may arise from death, dismissal, resignation, or removal from the town of Bath, or its immediate neighbourhood.

To employ such number of servants as may be necessary for the care of the bath and garden, and pay them reasonable wages for their services.

To make rules and regulations for the good government of the bath and garden, and the physician, clerk, servants, and patients, resorting to the bath, for the use of its waters; which rules and regulations, when approved of, and sealed with the common seal of the corporation, shall have the same force and effect as if they had been included in, and formed part of, this act, and shall be printed and hung up in some part of the premises of the said bath, to which access is generally had by patients and others visiting the bath.

To meet quarterly, in the town of Bath, on the thirty-first March, thirtieth June, thirtieth September, and thirty-first December of each year, or as soon thereafter as practicable, and inspect the premises, enquire into matters connected with the bath and garden, and examine and pass accounts against the institution, and at such other times as they shall think proper, giving two weeks' notice in the Gazette, by authority, of the day on which each special meeting is to be held, and the purpose for which convened, at all of which meetings, three directors shall form a quorum to proceed with, and dispose of, the business which shall come before them.

Third—The directors shall appoint a physician to the said Bath, at a salary not exceeding forty-eight pounds *per annum*; to remove any such physician, and appoint another in his stead, and to fill up vacancies in such office whenever they shall arise from death, dismissal, removal from the town, or immediate neighbourhood of Bath, or resignation.

They shall appoint a physician,

Fourth—The physician shall prepare and lay before the directors, at their first meeting after the thirtieth September in each year, a return of the number of persons who, during the year ending the

who shall annually prepare a return of persons, who have visited the Bath as patients.

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said thirtieth September, visited the Bath, for the purpose of using the waters; the nature of the diseases under which such persons laboured; the number cured, or relieved; the period during which each remained at the Bath; and the number remaining thereat on the said thirtieth September; and three copies of such report, signed by the physician, shall be forwarded by the clerk to the governor, one of which shall be laid before the legislative council, and another before the assembly.

One copy of which shall be laid before the council, and another before the assembly.

Duties of the clerk.

Fifth—The clerk shall prepare and lay before the directors, at their meeting on or after the thirty-first March, thirtieth June, thirtieth September, and thirty-first December, in each year, a schedule of the quarterly salaries due on the said days respectively, and of all accounts against the Bath for the quarter just ended; and, upon the accounts contained therein being examined and passed by the directors, such clerk shall certify such schedule, and transmit the same to the commissioner of the board of audit, and the amounts mentioned in such schedule shall, upon the report of the commissioner aforesaid, be paid by the receiver general, by warrant under the hand of the governor.

He shall also prepare and lay before the directors, at their meeting on or after the thirtieth September, in each year, an account of all monies received and expended during the year just ended, setting forth the purposes for which such money had been expended; and, upon such account being examined by the directors and found correct, the said clerk shall forward three copies thereof, certified by him, to the governor, one of which shall be laid before the legislative council, and another before the assembly.

How the monies of the trust shall be expended.

Sixth—The rents and profits of the lands belonging to the Bath, which shall be collected and received by the directors, with all other monies which shall come into their hands for the use of such Bath, shall be expended and laid out in the payment of the salaries of the physician and clerk, wages of servants, repairs, enlargement and improvement of the buildings, and accommodation of sick persons visiting the Bath for the use of the waters, the maintenance of such of them as are poor and unable to maintain themselves whilst at the Bath, the repairs of the road leading from the town of Bath to the springs of mineral water, and the care of the garden in the town of Bath, and for no other purpose.

Directors may sue for rents, &c. outstanding.

Seventh—The directors, under this act, are hereby authorized and empowered, by the name of "*The Directors of the Bath of Saint Thomas the Apostle*," to institute and prosecute proceedings at law, or otherwise, for the recovery of all rents, debts, claims, demands,

demands, or monies due to, or belonging to, the Bath of Saint Thomas the Apostle, or the late directors thereof, as such directors.

Eighth—The words “parish of Bath,” shall mean the ecclesiastical district in the parish of Saint Thomas in the East, called the “parish of Bath,” and created under first Victoria, chapter thirty-four, and ninth Victoria, chapter forty-four; the term “directors,” whenever used in this act, shall mean the directors for the time being; the words “the Bath,” shall mean “the Bath of Saint Thomas the Apostle;” the word “lands,” shall mean tenements and hereditaments; the word “garden,” shall mean the Botanic Garden, in the town of Bath.

The meaning of certain words defined.

Ninth—The eleventh William third, chapter three :

Certain acts repealed.

Twenty-second George second, chapter thirteen :

Thirtieth George third, chapter fifteen :

Forty-seventh George third, chapter twenty-six :

And sixth George fourth, chapter nine,

shall be, and the same are hereby repealed; but the repeal of the said acts, or any of them, shall not prejudice any right, title, or interest acquired by her majesty, or the public of this island, or any person, or party, under either of the said acts; and all acts done, and existing contracts and agreements entered into under the authority of any of the said acts, shall continue in force; and all offences committed against any provision of any such act, before the passing of this act, may be punished as if this act had not been passed.

C A P. VII.

An act in aid of an act, fifty-ninth George third, chapter fourteen, for the improvement of the royal naval hospital.

WHEREAS in and by an act of the legislature of this island, made and passed in the twenty-second year of the reign of her present majesty, entitled “*An act in aid of an act, fifty-ninth George the third, chapter fourteen, for the improvement of the royal naval hospital, Port-Royal,*” it is enacted to the effect, that it shall be lawful for the lords commissioners of the admiralty to take up and include, within the premises of the royal naval hospital, in the

Preamble.

town of Port-Royal, such portions of certain streets in the said town, mentioned in the said act, as might be necessary for the purposes of the said commissioners: *And whereas* it is necessary, for the purpose of carrying out the requisite improvements of the said royal naval hospital, that the said commissioners shall be empowered to take up and include Governor's alley, and such portions of Broad street, High street, and Queen's street, as may be required and omitted to be mentioned in the said recited act: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

The lords commissioners of the admiralty authorized to take up and enclose Governor's Alley,

and certain other streets, as part of the naval hospital.

Notwithstanding any thing in the said act fifty-ninth George the third, chapter fourteen contained, it shall be lawful for the lords commissioners of the admiralty to take up, and include, and make such erections, barriers, or enclosures, as they may require, in, upon, or across the streets or lane of the said town of Port Royal, called Governor's alley, or by whatsoever other name the same may be called; and to take up, and include, and make such erections, barriers, or enclosures, as they may require, in, upon, or across the street in the said town, called Broad street, High street, and Queen's street, or howsoever otherwise the same may be called; which said street, or lane, called Governor's alley, and such portions of the said streets, called Broad street, High street, and Queen's street, so taken up, and included, or enclosed, shall remain and be the property of her majesty, her heirs and successors for ever, in trust, for the use of the said royal naval hospital.

C A P. VIII.

An act to provide for the establishment of a "Leper's Home."

Preamble.

WHEREAS it is necessary to provide for the reception and accommodation of persons afflicted with leprosy or yaws: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Governor, &c. authorized to lease or purchase lands and make alterations and repairs to existing buildings, &c.

First—It shall be lawful for the governor, and executive committee, and they are hereby authorized to lease, for a term of years, or purchase, as they may think proper, sufficient lands, or lands and tenements, in such part or parts of the island as they shall consider best, for the location of persons afflicted with leprosy or yaws, and make such repairs, alterations, and additions to existing buildings

ings and enclosures, or erect such tenements and enclosures, as shall be necessary for the purposes of this act.

Second—It shall be lawful for the governor, and he is hereby authorized, as soon as a proper place has been provided for the reception of lepers, and persons afflicted with yaws, which place or places shall be called the "Leper's Home," to appoint a medical attendant to the same, at a salary not exceeding two hundred pounds *per annum*; a superintendent, at a salary not exceeding one hundred and fifty pounds *per annum*; and a matron, at a salary not exceeding one hundred pounds *per annum*, payable quarterly, or monthly, as the governor shall direct, by warrant under his hand; and from time to time to remove any person so appointed, and on any vacancy occurring from removal or otherwise, to appoint some other person to fill such vacancy.

Governor may appoint certain officers.

Third—It shall be lawful for the superintendent, to be appointed as aforesaid, and he is hereby authorized to employ such officers and servants as shall be requisite, to fix the wages of such officers and servants, subject to the approval of the governor and executive committee, which wages shall be paid by warrant of the governor as aforesaid; and from time to time to remove any person so employed, and on a vacancy occurring from removal or otherwise, to appoint some other person to fill the same.

Superintendent to employ servants, &c.

Fourth—It shall be lawful for the governor, and executive committee, and they are hereby required, to make rules and regulations for the government of the medical attendant, superintendent, matron, and other officers, servants, and inmates of the institution, and to rescind, alter, and amend such rules, and make new ones, from time to time, as necessity may require.

Governor, &c. to make rules and regulations.

Fifth—It shall be lawful for the inspector and director of the public hospital for the time being, and he is hereby required to take contracts for stores, provisions, and necessaries, and to import medicines for the "Leper's Home."

Inspector and director of public hospital to take contracts for supplies.

Sixth—Any person afflicted with leprosy, or yaws, who, not being in destitute circumstances, shall desire to become an inmate of the "Leper's Home," may do so upon giving security to the superintendent of the same for the payment, monthly, of the cost of his maintenance, and medical treatment, at a rate not exceeding two shillings *per day*.

Any person, not in destitute circumstances, may be admitted.

Seventh—All sums of money which shall become due and owing to the public for the maintenance and medical treatment of any such last before-mentioned person, shall be recovered by the superintendent

How monies payable by such persons may be recovered.

ent of the "Leper's Home" for the time being, or some person appointed by him, in the same manner as demands may be recovered under any act which may be in force for the recovery of small debts, notwithstanding that the amount sought to be recovered may exceed the sum of ten pounds.

Persons in indigent circumstances may claim to be admitted.

Eighth—Upon the establishment of a "Leper's Home," any person afflicted with leprosy, or yaws, who shall be in indigent circumstances, may present himself at the institution, and claim to be admitted for examination by the medical attendant; and if, upon such examination, he shall be considered a leper, or to be afflicted with yaws, by the medical attendant, he shall be allowed to remain in, and be considered and treated as, an inmate of such institution.

Persons found loitering in any street, may be taken before a justice.

Ninth—If any person, deemed to be afflicted with leprosy, or yaws, shall be found loitering in any road, street, lane, or thoroughfare of, or leading to, or from any city, town, or village, or wandering about from place to place, it shall be lawful for any policeman, constable, or other person to apprehend such person, and take him before a justice of the peace, who, upon being satisfied that the person so brought before him is a leper, or afflicted with yaws, shall direct, in writing under his hand, according to the form hereunto annexed, that such person be taken to the "Leper's Home," and received into the same; and any reasonable expense incurred in taking such person before a justice, and to the "Leper's Home," shall be paid by the superintendent of the same.

Who, upon being satisfied that he is a leper, may send him to the "Home."

The term leper defined.

Tenth—The term leper, whenever used in this act, shall mean a person afflicted with leprosy, or king's evil, and the term leprosy, shall mean and include king's evil.

Governor may appoint visitors to the "Home."

Eleventh—It shall be lawful for the governor to appoint any number of persons, not exceeding six, to be visitors of the "Leper's Home," who, or any one or more of whom, shall visit such home once in each month, and oftener if necessary, and make a note of such visit in the visiting book, with such observations upon the state and condition of the home, and inmates thereof, and the conduct of the officers and servants thereof, as he shall think proper; and the superintendent shall transmit, monthly, to the governor a transcript of all entries so made by the visitors.

Receiver-general to pay governor's warrants.

Twelfth—It shall be lawful for the receiver-general, and he is hereby required to pay, upon the warrant of the governor, monthly, or otherwise, such sum of money as shall be necessary to meet the expense of the "Leper's Home," such expenses not to exceed the sum of two thousand pounds in any one year.

Thirteenth—

Thirteenth—That this act shall commence and come into operation, from the passing thereof, and shall continue in force until the thirty-first day of March, one thousand eight hundred and sixty three. Duration of act.

SCHEDULE.

ORDER FOR THE RECEPTION OF A LEPER, &c.

I, C. D. of, &c. being satisfied that A. B. is a leper, or afflicted with yaws, and was found loitering in street, or road, or lane, or thoroughfare of, or leading to or from the city, town, or village of or wandering about from place to place, and is a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A. B. as a patient or inmate into the "Leper's Home."

Subjoined is a statement respecting the said A. B.

Signature of C. D. &c.

Justice of the peace for

STATEMENT.

(If any particulars in this statement be not known, the fact to be so stated.)

Name of patient, and Christian name, at length. .

Sex and age.

Married, single, or widowed.

Condition of life, and previous occupation (if any.)

The religious persuasion, as far as known.

Previous place of abode.

Afflicted with

Name, and Christian name, and place of abode, of the nearest known relative of the patient, and degree of relationship (if known.)

I certify, That to the best of my knowledge, the above particulars are correctly stated.

(Signature of C. D.

Justice of the Peace for

C A P. IX.

An act to amend the "Clergy Discipline Act, 1858."

WHEREAS it is expedient to extend the period within which it shall be lawful for the governor, and privy council, to frame Preamble.

frame and publish rules and regulations for the holding, and course of proceedings at the courts of appeal, which may be held under the "Clergy Discipline Act, 1858," and also the period within which the notice of appeal, to be given to the bishop, under twenty-eighth section of that act : *Be it enacted by the governor, legislative council, and assembly, and it is hereby enacted by the authority of the same :*

The period for framing and publishing rules, extended.

First—That the period first above-mentioned shall be, and is hereby extended to the first day of June, which will be in the year one thousand eight hundred and sixty.

The period within which notice shall be given to the bishop, extended.

Second—That the period secondly above-mentioned shall be, and is hereby extended to thirty days after sentence shall have been pronounced and promulgated.

C A P. X.

An act to amend the acts for the management and regulation of the customs in this island, seventeenth Victoria, chapter thirty-three, and twentieth Victoria, chapter five.

Preamble.

WHEREAS it is necessary to amend the acts for the management and regulation of the customs in this island, seventeenth Victoria, chapter thirty-three, and twentieth Victoria, chapter five : *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :*

Goods may be entered, as *in transitu*, or transhipped under certain regulations, without payment of duty.

First—Upon the entry, inwards, of any vessel, it shall be lawful for the officers of her majesty's customs to permit any goods to be entered, as *in transitu* for any foreign port, or for any port in this island, by the same vessel, or to permit the transhipment of any goods, so entered, from the vessels in which imported to other vessels, for the purpose of being conveyed to their destination, without payment of any duties, leviable thereon, under any act of the legislature, at the port of transhipment, upon the importer of such goods, or his known agent, first entering into bond for the payment of duties upon such goods, if landed in this island, or for their being bonded at the port of destination in this island, under the like conditions, and the same regulations, as in the case of goods removed coastwise from one bonding warehouse to another.

Consignee of vessel may pass warrants for

Second—Should the importer, or consignee of any goods, which shall

shall be on board of any vessel arriving in any port of this island, neglect or refuse to pass warrants for such goods for a period of five days, or, in case he shall not reside near the port, at which such vessel shall have entered, for a period of twelve days after such vessel shall have entered at the customs, it being necessary to unload such vessel with as little delay as possible, and notwithstanding any thing in the seventeenth Victoria, chapter two, section seventeen, to the contrary, it shall be lawful for the consignee, or master of such vessel, to pass the necessary warrants for such goods; and thereupon to land and place them in a warehouse, to be selected by such consignee, or master, and approved of by the officers of the customs, where they shall be kept until the duties, and charges, paid by such consignee, or master, upon such goods, have been repaid by the importer or consignee; and such duties and charges, together with the sum of three shillings for each warrant, passed as aforesaid, shall be a lien upon all such goods, and shall be paid previous to their delivery by the wharfinger, or person in charge of the warehouse in which they had been placed.

goods not cleared within certain periods, and pay duty upon them,

and place them in a warehouse approved by the customs until duties are repaid, and charges paid.

Third—The thirty-first section of the seventeenth Victoria, chapter thirty-three, the eighth section of the twentieth Victoria, chapter five, for the regulation of the customs, shall be, and the same are hereby, repealed.

Certain parts of certain acts repealed.

C A P. XI.

An act in aid of the act of the twenty-second Victoria, chapter forty-eight, for promoting steam communication between this island and the United States.

WHEREAS it is necessary to amend the act to promote steam communication between this island and the United States of America, the twenty-second Victoria, chapter forty-eight: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

First—The first section of the twenty-second Victoria, chapter forty-eight, shall be, and the same is hereby, repealed.

1st sec. 22 Vic. cap. 48, repealed.

Second—It shall be lawful for the governor, and he is hereby authorized, if he shall think proper, to name any two members of the executive committee, on behalf of the public of this island, to enter into agreement, from year to year, for any period not exceeding

Governor may name two members of executive committee to enter into agreement on behalf of the public.

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ing five years, or for a term of three years, or five years, with any company, or individual in this island, or elsewhere, or the agent of any company, or individual, out of this island, for the following purposes; that is to say,

For the conveyance of a mail in a steam vessel to and from the city of New York, in the United States of America, or some other port, in the said United States of America, and the city of Kingston, in this island, once in every month or fortnight, and within such number of days as shall be agreed upon.

Every such mail shall consist of as many bags, or packages, to be provided by the company, or person with whom the contract has been entered into, as shall be requisite; which bags, or packages, shall be sufficient to protect their contents from damage by water, or other liquid substances, and shall contain letters, newspapers, periodicals, books, and such other articles as by the laws or regulations for the government of the post office department, in the United States of America, or this island, may be sent through either of such post offices, and be of such weight, as shall be fixed by the agreement, such mails to be made up, or got ready, at the said post offices, for transmission from or to New York, or other port, and Kingston respectively, on the days agreed upon for the departure of the vessels, in which they are to be carried.

£1800 reserved under
22 Vic. cap. 48, to be
annually reserved.

Third—To prevent doubts, as to the intention of the legislature, in respect to the sum of one thousand eight hundred pounds, by the seventh section of the recited act of twenty-second Victoria, chapter forty-eight, directed to be reserved and applied out of the duties to be collected under that act, it is hereby declared and enacted, that such sum of one thousand eight hundred pounds shall be reserved by the receiver-general annually, out of the duties to be collected under that act, and shall be applied, as by the recited seventh section thereof is directed.

Town dues to be levied
until said act comes
into operation.

Fourth—That the town dues, under the eleventh Victoria, chapter nineteen, shall be continued to be levied and collected as heretofore, notwithstanding any thing in the said recited act, passed in the twenty-second Victoria, chapter forty-eight, to the contrary, until the commencement of the operation of the twenty-second Victoria, chapter forty-eight.

When 22 Vic. cap.
48, shall come into
operation.

Fifth—That the said last-mentioned act, as hereby amended, shall be deemed to commence, and be in operation from the day
on

on which the commencement of the service shall be notified by the governor, as provided in the said last-mentioned act.

Sixth—The word company, whenever used in the said twenty-second Victoria, chapter forty-eight, shall mean any individual with whom a contract shall be entered into, under the authority of of the said act, twenty-second Victoria, chapter forty-eight, and of this act.

Definition of term
"company."

C A P. XII.

An act to provide salaries, in lieu of fees, to the officers of the customs, and for other purposes.

WHEREAS it is reasonable that vessels trading to, and belonging to this island, should contribute to the payment of the salaries of the officers of the customs of the same: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

First—There shall be paid to the several officers of the customs of this island, during the continuance of this act, the several salaries named in the schedule, to this act annexed, which salaries shall be in lieu of all fees to the said officers, for any services or duties to be performed by them as such officers of the customs.

Officers of customs to be paid salaries mentioned in schedule to this act.

Second—Whereas there is one clerk in the customs' service of Kingston, receiving a salary of two hundred and seventy-five pounds *per annum*, being twenty five pounds in addition to the salary of two hundred and fifty pounds set down in the schedule hereunto annexed: *Be it therefore enacted*, That the said clerk, so as aforesaid receiving two hundred and seventy-five pounds *per annum*, shall receive, in addition to the salary of two hundred and fifty pounds, set down in the schedule hereunto annexed, a further sum of twenty-five pounds *per annum*, so long as he continues to hold his present appointment.

One clerk shall receive £15 in addition to £250 in schedule.

Third—The receiver-general shall pay monthly, upon the warrant of the governor, to the collector and controller for the time being, at Kingston, and the sub-collector at each port, mentioned in the schedule to this act annexed, one-twelfth-part of the amount of the several salaries mentioned in the said annexed schedule; and also such sum as shall be necessary for the remuneration of the additional tide-waiters, which shall be employed under the authority of this act.

Receiver-general to pay salaries monthly.

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Fourth—

Collector and controller at Kingston to employ additional tide waiters.

Who shall be paid eight shillings per diem each, and take prescribed oath.

Fourth—Besides the four tide-waiters at the port of Kingston, mentioned in the schedule to this act annexed, it shall be lawful for the collector and comptroller at the port of Kingston to employ, and sanction the employment, whenever it may be necessary, of any number of persons to act as tide-waiters in the said port of Kingston, and in any of the other principal ports of this island; and each person, who shall be so employed, shall be paid at the rate of eight shillings *per day* for every day, or part of a day, during which he shall serve as a tide-waiter; but no person shall be permitted to serve as such tide-waiter until he has taken the following oath, which oath the collector at the port of Kingston, and the sub-collector at any other port, is hereby authorized to administer:

"I, (A. B.) do swear, that I will faithfully and zealously perform the duties of a tide-waiter, and without fear, favour, or affection, fee, or reward, and uninfluenced and unrestrained by any expectation or consideration whatsoever, inform against every person whom I shall know to be evading, or attempting to evade, any of the revenue laws of this island; and that I will use all diligence to discover and make known any attempt to evade such laws, or any of them."—So help me God.

No officer of customs to take fees, under penalty.

Fifth—If any officer of the customs shall demand or receive any fee for any service performed by him as such officer of the customs, he shall forfeit the sum of four hundred pounds, to be recovered by action of debt, or information, one moiety of which penalty shall go towards the support of the government of this island, and the other moiety to the person suing for the same; upon recovery of such penalty, the party suing or prosecuting shall be entitled to his whole costs out of purse, as between attorney and client, to be taxed by the clerk of the supreme court.

Penalty on officers refusing or neglecting to perform any duty.

How recoverable.

Sixth—In case of refusal, wilful omission, or neglect, on the part of any officer of the customs, to perform any duty of his office, on entering or clearing any vessel, or in delivering any necessary document or paper, such officer of the customs shall, for every offence by him committed, forfeit a sum not exceeding sixty pounds, nor less than twenty pounds, to be recovered in a summary manner before any two justices of the peace in the parish where the offence shall be committed; and, in default of payment, the said justices shall commit the offender to gaol for any period not exceeding three months, nor less than six weeks, unless he shall sooner pay the penalty inflicted.

Officers to give security for duly accounting for monies, &c.

Seventh—The collector and comptroller at the port of Kingston shall

shall take security from the officers of the customs employed in collecting moneys under any act of the legislature of this island, in such sums, and with such number of sureties, as may be deemed sufficient by the executive committee, such security to be given to her majesty, for the due accounting for such moneys, and the faithful discharge of their duties by such officers, but the present officers of the customs, who have already given security as aforesaid, shall not, upon the passing of this act, be required to enter into fresh security, but the existing security shall continue in full force and effect.

Present officers need not enter into fresh security.

Eighth—A sum, not exceeding one thousand five hundred pounds, shall be paid, on the warrant of the governor, by the receiver-general, in equal quarterly portions, to the collector and comptroller at the port of Kingston, for incidental expenses of the customs' establishment of this island; and the said collector and comptroller shall make a return every quarter of the expenditure for such incidental expenses to the executive committee.

£1,500 per annum for incidental expenses.

Ninth—The health officers' fees, imposed under the fourth Victoria, chapter thirty-two, section twenty-nine, shall be recovered and received by the collector and comptroller of the customs at Kingston, and the sub-collectors at the other ports, and paid over by them to the receiver-general, in the same manner as the import duties are by them collected and paid over to him.

Collector and comptroller to collect health officers' fees at Kingston,

and sub-collectors at out ports.

Tenth—During the continuance of this act, there shall be paid to her majesty a duty of two shillings per ton on all ships and other vessels of more than forty tons burthen, not being droggers arriving at any of the ports of this island, to be ascertained and levied as hereinafter mentioned, in addition to any other duty on tonnage imposed by any other act of the legislature of this island.

A duty of two shillings per ton imposed on all vessels not being droggers.

Eleventh—The duty, imposed on the tonnage of vessels arriving in this island, shall be paid by the master of every vessel to the collector or comptroller of the customs at the port of Kingston, and the sub-collector at every other port; and such payment shall be made by the master at the time of making entry of his vessel, who is also required, at the time of making such entry, to state, in writing, the tonnage of his vessel.

Payable at the time of making entry.

Twelfth—At the time of making entry as aforesaid, the register, if there be a register, and, where there is no register, the sea letter of every vessel, shall be exhibited to, and deposited with, the collector and comptroller at Kingston, and the sub-collector at any other port, by the master thereof, until the duties shall be actually paid; and, if a fraudulent entry shall be made, or false register, or

When register or sea letter must be produced.

Penalty for fraudulent entry.

sea

How recoverable.

sea letter exhibited, with intent to evade the payment of the said duty, or any part thereof, the master of every vessel shall, for every offence, incur and [a] penalty not exceeding sixty pounds, nor less than twenty pounds, to be recovered in a summary manner before any two justices of the peace in the parish where the offence shall be committed; and, in default of payment, the said justices shall commit the offender to gaol for any period not exceeding three months, nor less than six weeks, unless he shall sooner pay the penalty imposed.

How the tonnage of foreign vessels shall be ascertained.

Thirteenth—Upon the arrival of any foreign vessel in any port of this island the tonnage of such vessel shall be ascertained by the same mode of measurement which is adopted in ascertaining the tonnage of British vessels, and the duty paid accordingly.

Duty of two shillings per ton on droppers, payable annually.

Fourteenth—A duty of two shillings *per* ton shall be levied once in every year upon all vessels called droppers, which are or shall be employed in the coasting trade of this island, in addition to any other duty on tonnage imposed by any other act of the legislature of this island.

Steam vessels carrying mails, &c. exempted from tonnage duties.

Also certain other vessels.

Fifteenth—All steam vessels trading to, or in and about this island, and engaged in the conveyance of passengers and mails, shall be exempted from all tonnage duty under this or any other act of the legislature of this island (the Plumb-Point light-house tonnage duty excepted); and all vessels laden exclusively with ice, or with ice fruit, poultry, fresh fish, and fresh butter, shall also be exempted from tonnage duty under this or any other act of this island (the Plumb-Point light house tonnage duty excepted), and all vessels laden partly with ice, or with ice fruit, poultry, fresh fish, and fresh butter, and partly with other goods, wares, and merchandize, shall pay duty only upon the tonnage of the other goods, wares, and merchandize imported in such vessels, as such tonnage shall be computed by the officers of the customs.

Vessels laden partly with coals, &c. exempted partially from tonnage duties.

Proviso.

Sixteenth—Every vessel arriving in this island, laden partly with coals for the use of steam vessels, and partly with other goods, wares, and merchandize, shall pay tonnage dues only on the tonnage of the goods, wares, and merchandize so imported: *Provided*, That vessels, laden exclusively with coals for the use of steam vessels, shall continue exempt from the payment of tonnage dues, according to the provisions of the act of the fourteenth Victoria, chapter fifty-six.

Certain vessels allowed to take away certain articles without payment of further tonnage dues.

Seventeenth—Vessels arriving in this island, laden partly with coals as aforesaid, and partly with other goods, wares, and merchandize, which shall have paid duty upon the tonnage of such goods,

goods, wares, and merchandize, shall be permitted to take away fruit, vegetables, ground provisions, and preparations thereof, the growth and produce of this island, without being subject to any further tonnage dues.

Eighteenth—Nothing herein contained shall be construed to prevent the abolition of any office in the customs, or the reduction of any of the salaries, in the schedule to this act annexed, at any time during the continuance of this act; and the salaries saved by any such abolition or reduction, shall lapse into the general fund of the island.

Any office in the customs may be abolished.

The salaries saved shall lapse into the general fund.

Nineteenth—It shall not be necessary for the governor to issue a new commission to any person, who shall, upon this act coming into operation, hold any office or appointment in the customs; but the existing commissions of all such persons shall remain of full force and effect, notwithstanding the passing of this act.

No new commission need be issued to any officer now employed

Twentieth—The respective repeal of the several acts, and parts of acts, repealed by the act of the eighteenth Victoria, chapter eighteen, is hereby continued respectively.

Certain acts repealed.

Twenty-first—Notwithstanding the expiry of the act of the eighteenth Victoria, chapter eighteen, on the thirty-first day of March, one thousand eight hundred and sixty, any offence against any of its provisions may be proceeded for and punished; and any penalty for any offence thereunder may be recovered, or enforced, as if such act had not expired.

Offences against 18 Vic. cap. 18, may be prosecuted, notwithstanding expiring of same.

Twenty-second—This act shall continue and be in force, from the passing thereof, until the thirty-first day of March, one thousand eight hundred and sixty-seven; and, notwithstanding its expiry, any offence against any of its provisions may be proceeded for and punished; and any penalty for any offence thereunder may be recovered, or enforced, as if this act had not expired.

Duration of act.

SCHEDULE.

INCLUDING REMUNERATION FOR THE COLLECTION OF THE SEVERAL TONNAGE DUTIES AND HEALTH OFFICERS' FEES.

KINGSTON—Collector	-	-	£800
Comptroller	-	-	400
One clerk	-	-	275
Two clerks, at (each)	-	-	250
One clerk	-	-	225
			One

One clerk	-	-	£210
One clerk	-	-	200
One clerk	-	-	175
One clerk	-	-	130
Landing surveyor	-	-	300
First waiter and searcher	-	-	250
Second ditto ... ditto	-	-	200
Third ditto ... ditto	-	-	175
Fourth ditto ... ditto	-	-	175
Fifth ditto ... ditto	-	-	175
Sixth ditto ... ditto	-	-	175
Warehouse keeper	-	-	250
Assistant ditto	-	-	175
First locker	-	-	130
Second ditto	-	-	125
Third ditto	-	-	125
Inspector of invoices	-	-	300
Sub-collector at Old-Harbour	-	-	250
Tide-surveyor at Port-Royal	-	-	100
Four tide-waiters, at (each)	-	-	120
PORT-MORANT—Sub-collector, waiter, and searcher	-	-	250
Clerk	-	-	130
MORANT-BAY—Sub-collector, waiter, and searcher	-	-	225
PORT-ANTONIO—Sub-collector, waiter, and searcher	-	-	150
PORT-MARIA—Sub-collector	-	-	250
Clerk and landing waiter	-	-	130
ANNOTTO-BAY—Sub-collector	-	-	225
FALMOUTH—Sub-collector	-	-	400
Landing surveyor	-	-	250
First waiter and searcher	-	-	200
Second ditto ditto	-	-	175
Clerk and warehouse keeper	-	-	120
RIO-BUENO—Sub-collector	-	-	150
ST. ANN'S BAY—Sub-collector	-	-	250
MONTEGO-BAY—Sub-collector and warehouse keeper	-	-	400
Waiter and searcher, and landing and tide surveyor	-	-	225
Clerk and warehouse keeper	-	-	175
LUCEA—Sub-collector	-	-	250
SAVANNA-LA-MAR—Sub-collector	-	-	250
Clerk and landing waiter	-	-	150
BLACK-RIVER—Sub-collector	-	-	250

C A P. XIII.

An act to raise a supply for the use of the government of this island, by a duty on articles imported, and to appropriate the same. ANNUAL.

C A P. XIV.

An act to amend certain sections of the sixteenth Victoria, chapter forty-two, relating to the larceny of growing produce, trees, and plants.

WHEREAS it is necessary to amend the third, fourth, and fifth sections of the sixteenth Victoria, chapter forty-two: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same:* Preamble.

That from and after the passing of this act, the term, or period of imprisonment, prescribed by the said third, fourth, and fifth sections of the said sixteenth Victoria, chapter forty-two, shall be enlarged to a term or period of imprisonment, not exceeding three calendar months, any thing in the said act to the contrary notwithstanding. The term of imprisonment prescribed by the 16th Victoria, cap. 42, enlarged to a period not exceeding three calendar months.

C A P. XV.

An act to amend " The Judicial Amendment Act, 1855."

WHEREAS, under the present judicial system of parochial courts, offences, which more particularly affect their inhabitants of a parish, are left to be tried by jurors selected from the body of the parish so immediately affected, and it is desirable, in justice to the accused, and to secure a more impartial trial, to draw the jurors from a more extended area: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same:* Preamble.

First—That whenever any popular tumults, riots, or breaches of the peace shall arise, rendering it advisable, for the ends of justice, to have such offences adjudicated on by a jury constituted otherwise than is provided in ordinary cases, and the governor, for the time being, by and with the advice of his privy council, shall deem it expedient, he shall have power to issue a special commission of oyer and terminer, and gaol delivery, to be held at such place, Whenever tumults &c. render it necessary, the governor may issue a special commission for the trial of offences mentioned therein.

place, and for the trial of all such offences as, in such special commission, shall be expressly directed.

Such commission shall be directed to the judges of the supreme court, and held by any one of them.

Second—That such special commission shall be directed to the judges of the supreme court, and shall be held by, and before any one of the said judges ; and, in case of the inability of any judge, by whom such commission shall be opened, to discharge the duties thereof, any other judge named therein shall proceed to the final execution of the said commission.

Its jurisdiction shall extend over the island.

Third—That the jurisdiction of such special commission shall extend over the whole island, and shall not be limited to the locality in which its session may be held.

The governor shall determine from what parishes the jurors shall be drawn.

Fourth—That the governor, by and with the advice of his privy council, shall also determine from which parishes the jurors for such special commission shall be drawn, and thereupon, under the fiat of the attorney-general, a writ of *venire facias* shall issue from the supreme court to the provost-marshal-general, commanding him to summon, from the special jury, and common jury panels, in equal proportions of each list, such number of jurors from each of the parishes, to be named in the said writ, as may be thereby directed, so that the aggregate number of jurors shall not exceed sixty in the whole ; and the provost-marshal shall ballot for and draw such number of names from such list as may be directed, and the aggregate of names, thus struck, shall form the jurors to be returned on the panel of such special commission.

The court to have all the authority of the court of assize, and the jurors be liable to fine for absence, &c.

Fifth—That the court, to be thus formed, shall have and exercise all the powers and authorities of the ordinary court of assize, and oyer and terminer, and gaol delivery, in this island ; and the jurors, to be warned at such court, shall be liable to fine and imprisonment, in the discretion of the court, for absence without cause, or for any other contempt or impropriety of conduct during the sitting of the court.

So much of 22 Vic. cap. 39, as limits the duration of the circuit courts of Saint James, and Trelawny, to nine days, amended.

Sixth—That so much of the act of the twenty-second Victoria, chapter thirty-nine, entitled "*An act to amend 'The Judicial Amendment Act, 1855,'*" and the schedule thereto, as limits the duration of the circuit courts of Saint James, and Trelawny, to nine days, be amended, and that from and after the February term, one thousand eight hundred and sixty, the circuit court for Saint James shall sit for two weeks, if necessary ; and the circuit court for Trelawny shall be held on the first Monday after the termination of the two weeks allowed for the Saint James' circuit court, and sit for two weeks, if necessary.

C A P. XVI.

An act in aid of "The Police Act, 1856," to provide for the execution of warrants out of the parish wherein the same may have been issued, and for other purposes.

WHEREAS it is expedient to provide for the service or execution of warrants of justices of the peace out of the parish wherein the same may have been issued, without requiring the same to be backed, or endorsed: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

First—Every summons to compel the appearance of any person, or warrant for the apprehension of any person, charged with any offence, issued by any justices or justice of the peace in any parish, may be served or executed out of such parish by the policeman or constable to whom the same shall be directed, or any other policeman or constable, and shall have the same force and effect as if the same had been originally issued, or subsequently endorsed by a justice or justices of the peace having jurisdiction in the parish where the same shall be served or executed.

Summons, or warrant, issued in one parish, may be executed in another, without endorsement.

Second—Notwithstanding the proviso to the twelfth section of "The Police Act, 1856," (nineteenth Victoria, chapter twenty-four), it shall be lawful for any water company to employ, within the limits of any city or town, any policeman in the levying of rents, rates, or taxes, for or on behalf of such company.

Water companies may employ policeman to levy for rates.

Third—That it shall be lawful for any justice of the peace, before whom any person shall be brought, under a warrant, and who shall be apprehended in another parish, other than that in which the offence was committed, to take bail, by recognizance, for the appearance of such person before the justices of the parish in which the offence was committed, in such an amount as the justice shall think fit.

Bail may be taken in the parish in which the person is apprehended.

C A P. XVII.

An act to provide for registering duly qualified medical practitioners.

WHEREAS it is necessary to make provision for registering duly qualified medical practitioners: *Be it enacted by the*

Preamble.

governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:

The island secretary to be the registrar, and his office the registry office.

First—Upon the passing of this act, the island secretary shall be the registrar, and the office of enrolments, the registry office of duly qualified men.

Register to be kept according to form in schedule A.

Second—The register, to be kept by the island secretary, shall be according to the form A, in the schedule to this act annexed.

Any person who actually practised medicine or surgery in this island,

or is a licentiate, &c. of any college of this island, Great-Britain, or recognized foreign college, and practised in this island,

upon producing to the registrar of a declaration, according to form B,

shall be registered under this act.

Any fellow, &c. of any college in Great-Britain, &c. who shall not have practised in this island, shall, upon making the declaration in form C, be registered under this act.

Third—That any person who, prior to the passing of this act, was actually practising medicine and surgery, or medicine, or surgery in this island, and was hitherto registered as a duly qualified medical practitioner, licentiate, or extra-licentiate under any act of this island, or any person being a licentiate, or extra-licentiate of any college under any act of this island, or being a fellow-licentiate, or extra-licentiate of any college, or faculty of physicians, or surgeons, or society of apothecaries of the united kingdom of Great-Britain and Ireland, or of any college, faculty, or society elsewhere, being recognized as such by the general council of medical education and registration of the united kingdom, under the imperial act, passed in the session held in the twenty-first and twenty-second years of queen Victoria, cited as the "Medical Act," who was actually practising medicine and surgery, or medicine, or surgery in this island, prior to the passing of this act, whether he was hitherto registered or not under any act of this island, shall, on production by him to the registrar of a declaration, to be made before any justice of the peace, according to the form B, in the schedule to this act annexed, if any such person was hitherto registered under any act of this island as aforesaid, or according to the form C, in the schedule to this act annexed, if he was not so registered as aforesaid, declared to, and signed by him, and impressed with a stamp of ten shillings, where he shall have been already registered, and a stamp of twenty shillings, where he shall not have been registered under any act of this island, be entitled to be registered under this act as a duly qualified medical practitioner.

Fourth—That any fellow-licentiate, or extra-licentiate of any college, or faculty of physicians and surgeons, or society of apothecaries of the united kingdom of Great-Britain and Ireland, or of any other college, faculty, or society elsewhere, being recognized as such by the general council of medical education and registration of the united kingdom, as in the said preceding clause described, who shall not have been actually practising medicine and surgery, or medicine, or surgery, prior to the passing of this act, and who shall desire to practise medicine and surgery, or medicine, or surgery in this island, after the passing of this act, shall,

shall, upon the production by him to the registrar, of a declaration, to be made before any justice of the peace, according to the form C, in the schedule to this act annexed, declared to, and signed by him, and impressed with a stamp of twenty shillings, shall be entitled to be registered, under this act, as a duly qualified medical practitioner.

Fifth—Any person who, not being a fellow-licentiate, or extra-licentiate of any college, or faculty of physicians, or surgeons, or society of apothecaries of the united kingdom of Great-Britain and Ireland, or any other such college, faculty, or society, recognized as such by the general council of medical education and registration of the united kingdom as aforesaid, who has practised in medicine and surgery prior to the passing of this act, shall desire to practice medicine and surgery, or medicine, or surgery, after the passing of this act, shall, on the production by him to the registrar of a certificate of examination, according to the form D, in the schedule to this act annexed, signed by the members of the board of examination, and countersigned by the secretary, and impressed with a stamp of eleven pounds eleven shillings, shall be entitled to be registered under this act as a duly qualified medical practitioner.

Any person, not a fellow, &c. of any college in Great-Britain, &c. who has practised medicine or surgery in this island, shall, on production of certificate of examination, in form D, be registered under this act.

Sixth—Any person, who shall wilfully and falsely make, before any justice of the peace, any declaration required to be made by this act, shall be deemed to have committed wilful and corrupt perjury, and shall be punishable for such offence according to law.

Persons making a false declaration punishable.

Seventh—The registrar shall, on the first day of July, one thousand eight hundred and sixty, and first day of January, one thousand eight hundred and sixty-one, and on every succeeding first day of July and January, or as soon after as practicable, cause to be published, in the Jamaica Gazette, by authority, a list, signed by him, of the names, in alphabetical order, according to their surnames, of the several medical men on the register on every such first day of July, and first day of January, with their respective places of abode, and medical title; and, for such list, when published, he shall be paid, by warrant, under the hand of the governor, the sum of forty shillings.

The registrar to publish a list of the names of the medical men on the register.

Eighth—A copy of the Jamaica Gazette, by authority, containing a list of the names of medical practitioners, published as by this act is directed, shall be evidence in all courts, and before all justices of the peace, and others, of the registration, according to the provisions of this act, of the several persons whose names are mentioned therein.

A copy of the Jamaica Gazette made evidence.

Ninth—In case the name of any person shall not have been published

A certified copy of register declared evidence.

published in the Jamaica Gazette, as aforesaid, a certified copy, under the hand of the registrar, of the entry of the name of such person in the registrar, shall be evidence that such person is registered under the provisions of this act.

Upon death of any medical man, registrar to write "dead" opposite his name.

Tenth—Upon the death of any medical practitioner, whose name appears upon the register, becoming known to the registrar, he shall draw a line through, and write "dead," opposite the name of such medical practitioner.

Any person obtaining a higher degree may have same inserted in register.

Eleventh—Any person, registered under the provisions of this act, who shall, at any time after such registration, obtain any higher degree, or any qualification other than the qualification in respect of which he was registered, shall be entitled to have such higher degree, or additional qualification, inserted in the register in substitution for, or in addition to, the qualification previously registered, upon payment of a fee of ten shillings to the registrar.

Every person registered under this act shall be entitled to practise medicine, &c.

~~*Twelfth*—Every person, registered under this act, shall be entitled to practise medicine and surgery, or medicine, or surgery, in any part of this island, and to demand and recover in any court of law, with full costs of suit, reasonable charges for professional advice and visits, and the cost of any medicine, or medical, or surgical operations, or appliances performed, given, paid, or supplied by him to his patients.~~

*Repealed by the
Amended Act.
23rd Dec 1859.*

No unregistered person shall recover any charge for medical aid, &c.

~~*Thirteenth*—After the first day of January, one thousand eight hundred and sixty, no person shall be entitled to recover any charge in any court of law for any medical or surgical advice, attendance, or appliances, or for the performance of any operation, or for any medicine prescribed, given, performed, or supplied after the passing of this act, unless he shall prove, at the trial, that he is registered under the provisions of this act.~~

*Repealed.
(see above)*

The words legally qualified, &c. defined.

Fourteenth—After the first day of January, one thousand eight hundred and sixty, the words "legally qualified medical practitioner," or "duly qualified medical practitioner," or any words importing a person recognized by law as a medical practitioner, or member of the medical profession, when used in any act of the legislature, which shall be in force at the time of the passing of this act, or shall thereafter be passed, shall be construed to mean a person registered under the provisions of this act.

Persons registered under this act exempt from serving in the militia, &c.

Fifteenth—Every person, who shall be registered under the provisions of this act, shall be exempt, if he shall so desire, from serving in the militia, except in a medical capacity, and on all juries and inquests, and in all corporate and parochial offices whatsoever.

Sixteenth—

Sixteenth—After the first day of January, one thousand eight hundred and sixty, no person shall be elected or appointed to any situation or office, public or parochial, of coroner, physician, surgeon, medical officer, or medical attendant; or as physician, surgeon, medical officer, or medical attendant to any friendly or other society for affording relief in sickness, infirmity, or old age, or any life insurance company, unless he be registered under the provisions of this act; and the election or appointment of any person, not so registered, to any such office or situation, shall be null and void.

Unregistered persons
disqualified from hold-
ing certain offices,

Seventeenth—After the first day of January, one thousand eight hundred and sixty, no certificate, required by any act now in force, or which may hereafter be passed, from any physician, surgeon, or other medical practitioner, shall be valid, unless the person signing the same be registered under the provisions of this act.

and from granting
certificates, &c.

Eighteenth—If the registrar shall wilfully make, or cause or permit to be made, any false or incorrect entry in any register, or any alteration in any entry in any register, whereby the same shall be falsified, he shall be deemed guilty of a misdemeanor, and, upon conviction, be imprisoned in any prison, not being a county jail, for any term not exceeding twelve months.

False entries made by
registrar, punishable,

Nineteenth—Any person, who shall wilfully procure, or attempt to procure himself to be registered under this act, by making, or producing, or causing to be made, or produced, any false or fraudulent representation or declaration, either orally, or in writing; or by any false or fraudulent diploma, license, certificate, or other document, or who shall wilfully and falsely impersonate any other person; and any person aiding and assisting in doing so, shall be deemed guilty of a misdemeanor, and, on conviction, be imprisoned in any prison, not being a county jail, for any term not exceeding twelve months.

Attempt to procure re-
gistration by fraudu-
lent means, punishable.

~~**Twentieth**—Any person who shall wilfully and falsely pretend to be, or take or use the name or title of a physician, or doctor of medicine, or surgeon, licentiate, or extra-licentiate, or any other name, title, addition, or description, implying that he is registered under the provisions of this act, or that he is recognized by law as a physician, or surgeon, or licentiate, or extra-licentiate in medicine and surgery, or in medicine, or surgery, or a practitioner in medicine and surgery, or medicine, or surgery, or an apothecary, or who shall receive any fee or reward from any person for the performance of any service in any of the characters before-mentioned, shall, upon conviction, pay a fine not exceeding twenty pounds, or be imprisoned in any prison, not being a county jail, for any term not exceeding six months.~~

Falsely pretending to
be a physician, &c.
punishable.

*Repealed by the
Amendment Act 23rd Vic
Ch.*

Twenty-first—

Governor to appoint a board of medical examiners.

Twenty-first—It shall be lawful for the governor to nominate and appoint five medical practitioners (willing to undertake the duty), to form a board of medical examiners, any three of whom shall be a quorum for the examination of any person who shall make application to be examined, with a view to being registered under the provisions of this act; and the medical practitioners, so appointed, shall continue in office for three years, and no longer, unless re-appointed by the governor, who is hereby authorized to fill up vacancies in the board, as they shall occur by death, resignation, or departure from the island of any of its members, and to re-appoint, as often as may be necessary, the medical practitioners who shall be in office at the expiration of three years from the date of their appointment, or any of them, and to appoint others in the room of those who may not be re-appointed.

Persons, so appointed, to meet and elect a chairman, &c. and make rules,

Twenty-second—The medical practitioners, so to be appointed, or any three of them, shall hold the first meeting at some convenient place, and on such day, and at such hour, as they, or any three of them, shall previously have agreed upon; elect a chairman, and secretary, from among themselves, and make such rules and regulations as they shall consider necessary as to the place and time of future meetings, and for their guidance generally, and for the direction of such persons as may desire to come before them for examination, previous to registration under this act; and they are hereby authorized to rescind or amend any rules and regulations at any time made by them, and to make new rules and regulations when necessary, and, in lieu of such as may at any time be rescinded; and all rules and regulations, so made, shall be transmitted to the governor, and a board of privy council, for their approval, and when the same shall have been approved by them, such rules and regulations shall be binding upon the board of medical examiners, and all other persons.

to be approved of by the governor, and privy council.

Executive committee to procure books.

Twenty-third—The executive committee is hereby authorized and required to procure, at the public expense, whenever necessary, such books as they shall consider proper for registering the names and other particulars of medical practitioners as aforesaid, and to pay to the registrar, for recording any diploma, license, or certificate, or other document, required to be recorded in the registry office, under this act, at the rate of one shilling and six pence per legal sheet of one hundred and sixty words.

Medical examiners to be paid for attending meetings.

Twenty-fourth—Each member of the board of medical examination, who shall attend at any meeting required for any examination provided for by this act, shall be entitled to be paid, under the warrant of the governor, the sum of two guineas for the performance of such duty on each such attendance, and the secretary shall,

shall be paid, in addition to the said sum of two guineas, one guinea for each meeting, to cover the cost of transcribing the minutes of the meeting into a proper book, to be furnished by the executive committee at the public expense, and of stationery and postages.

Twenty-fifth—That all penalties, imposed under this act, may be recovered in a summary manner before any two justices of the peace, at the instance of any person; but no penalty, or penalties, shall attach for any offence committed against this act, until one calendar month after the passing thereof.

How penalties are to be recovered.

Twenty-sixth—That this act may be cited as "The Medical Act, 1859."

Short title of act.

SCHEDULE—(FORM A.)

Register of Medical Men.

Date of Record.	Name.	Residence.	Diploma, License, Certificate, or other Qualification.	Date of such Diploma, License, Certificate, or other Qualification.	Remarks.

FORM B.

DECLARATION OF PERSON ALREADY REGISTERED UNDER ANY PREVIOUS ACT, AND CLAIMING TO BE REGISTERED UNDER THIS ACT.

I, (A. B.) residing in the parish of _____ in the
county of _____ do hereby declare, that I was duly
registered according to law, on the _____ day of _____
and that I am the person, whose name appears on the register

H

ter under the acts hitherto passed for the registration of duly qualified medical practitioners in this island, and that I was practising medicine, and surgery, (or medicine, or surgery) in this island, previous to the passing of the "Medical Act, 1859."

(Signed)

A. B.

*Declared to before me, this
day of in the year*

C. D. j. p.

FORM C.

DECLARATION OF PERSONS CLAIMING TO BE REGISTERED UNDER THIS ACT.

I, (A. B.) residing in the parish of in the county of do hereby declare, that I am a member of (here state the college, faculty, or society), and was authorized by such college, (faculty, or society), on the day of in the year 18 as appears by my diploma (or license, or other document), to practise medicine, and surgery, (or medicine, or surgery),
** And that I was practising medicine and surgery, (or medicine, or surgery), in the parish of in this island, previous to the passing of the "Medical Act, 1859."*

** Note.—In the case of those who did not practise in this island, previous to the passing of this act, the words "And that I was [not] practising medicine and surgery, (or medicine, or surgery), in the parish of in this island, previous to the passing of the 'Medical Act, 1859.'"*

(Signed)

A. B.

*Declared before me, this
day of in the year*

C. D. j. p.

FORM D.

CERTIFICATE OF BOARD OF MEDICAL EXAMINERS.

This is to certify, That of the parish of on application made by him to us, was, on the day of last (or instant), examined by us touching his qualification to practise as a medical practitioner, and that at such examination he satisfied us that he was a fit and proper person, and qualified to practise medicine and surgery,

(or medicine, or surgery), and that he may be registered under the authority of the "*Medical Act, 1859.*"

To be signed by the members of the board of medical examiners, or any two of them.

And countersigned by secretary.

*To the Register [Registrar] under the "*Medical Act, 1859.*"*

C A P. XVIII.

An act to provide and regulate the salaries and fees of the clerks of the peace, and clerks of the magistrates, of this island, and for other purposes.

BE it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :

First—The clerks of the peace, and magistrates' clerks respectively, shall be paid monthly, or quarterly, in full compensation for all proceedings for felonies, petty larcenies, and aggravated misdemeanors, indictable at the assize or circuit courts, or triable at petty sessions, and for all other duties at the assize or circuit courts, and special and petty sessions, relating to offences, or matters of public nature, or directed by two justices of the peace, and all duties performed by the respective clerks of the peace, and magistrates' clerks, in furtherance of the general criminal justice of the island, and in assisting the magistrates, in public matters before them, the respective salaries set opposite to the respective parishes in the schedule to this act annexed, marked A, such salaries to commence and be paid from the first day of January, one thousand eight hundred and sixty.

Clerks of peace, and magistrates' clerks, to be paid salaries in schedule A, in compensation for various services.

Second—In respect of other matters, the clerks of the peace of the several parishes of this island shall be entitled to demand and receive, as hereinafter mentioned, the fees set down in the schedule to this act annexed, marked B, and the magistrates' clerks shall be entitled to demand and receive, as hereinafter mentioned, the fees set down in the schedule hereunto annexed, marked C; and whenever the duties of magistrates' clerk are performed by any clerk of the peace, he shall be entitled to demand and receive the fees payable to the magistrates' clerk, in addition to the fees payable to him as clerk of the peace.

The clerks of the peace to receive fees in schedule B, for services mentioned therein. The magistrates' clerks the fees in schedule C, for the services mentioned therein, &c.

H 2

Third—

Fees to be paid by the persons requiring their services, unless proceedings are directed by two justices.

Third—Such respective fees for other matters shall be demandable and payable, and paid by the person requiring the services of the clerk of the peace, or magistrates' clerk, unless the proceedings required shall be directed by two justices of the peace, as hereinbefore provided.

List of fees to be exhibited in room where petty sessions are held.

Fourth—It shall be the duty of each clerk of the peace, and magistrates' clerk, in this island, under the penalty of thirty pounds, to be recovered by action of debt in the circuit or assize courts, for the use of the parish or precinct wherein he holds office, to affix, in a conspicuous part of the room in which the justices hold their usual sittings, in petty sessions, a fair and legible list or scale of all such fees as are herein provided, so that the public may, at all times, have access thereto.

Clerks of the peace, and magistrates' clerks, to transmit return of trials in circuit or petty sessions court, and information respecting same, when required by governor.

Fifth—Every clerk of the peace, and magistrates' clerk, shall, whenever required by the governor, transmit to his secretary a return of all trials which shall have taken place in the circuit or petty sessions, or other courts of the parish or precinct for which he is the clerk of the peace, or magistrates' clerk, for such court, or period of time, as the governor shall direct, and shall furnish such information, in respect to any of such trials, as shall be required by the governor, and it shall be in the power of such clerk of the peace, or magistrates' clerk, to afford, under a penalty for each omission or neglect, of thirty pounds, to be recovered and appropriated in like manner as any other penalty under this act.

Each clerk of the peace, and magistrates' clerk, shall have his permanent residence in the parish for which he holds his appointment, but may be absent for certain periods with leave.

Sixth—Every clerk of the peace, and magistrates' clerk, now in office, or hereafter to be appointed, shall have his permanent residence within the parish or precinct for which he holds his appointment; and no clerk of the magistrates shall be absent from such parish or precinct for any longer period than seven days, nor shall any clerk of the peace be absent from such parish or precinct for any longer period than thirty days, at any one time, except by the consent, in writing, of the custos, and of not less than two justices of the peace of the said parish or precinct, first had and obtained; but the clerk of the peace, and magistrates' clerk, of the parishes of Kingston and Port-Royal respectively, may, at their option, reside in the parishes of Kingston, Port-Royal, or Saint Andrew.

Exceptions.

Salary of a future clerk of the peace for Kingston, fixed.

Seventh—In the event of a vacancy occurring in the office of clerk of the peace for the city and parish of Kingston, during the continuance of this act, the salary of the clerk of the peace, to be thereafter appointed, shall be at and after the rate of six hundred pounds *per annum*.

Eighth—

Eighth—Whenever the custos of any parish shall be absent from the island, or there shall be a vacancy in the office of custos for any parish in which there shall be a vacancy in the office of clerk of the peace, and there shall be a magistrates' clerk in such parish, being an admitted attorney-at-law, to discharge the duties of clerk of the peace, such magistrates' clerk shall assume and discharge those duties until a permanent appointment shall be made; and all emoluments, fees, and perquisites attaching to the office of clerk of the peace, shall be received and retained by such temporary clerk of the peace during the period he shall act as such; and he shall be bound to perform all the duties appertaining, and be liable to all the pains and penalties attaching, to such office of clerk of the peace; but in case there shall be no magistrates' clerk in such parish, qualified as aforesaid, it shall be lawful for the chief-justice to appoint some fit and proper person, duly qualified as an attorney-at-law, to fill the vacant office of clerk of the peace for such parish, during the absence of the custos, or until a custos be appointed.

Vacancy in the clerkship of the peace of a parish may be filled by the magistrates' clerk of the parish until a permanent appointment is made;

and, where there is no magistrates' clerk, by appointment of the chief justice.

Ninth—The act eighteenth Victoria, chapter thirty-five, shall be, and the same is hereby, repealed; but any act done thereunder, according to its provisions, is hereby confirmed.

18th Victoria cap. 35, repealed.

Tenth—Upon any vacancy occurring in the office of clerk to the magistrates of any parish or precinct, it shall be the duty of the clerk of the peace of such parish or precinct, and he is hereby required to enter upon and perform all and every the duties theretofore done and performed by the clerk of the magistrates, and appertaining to the office of clerk of the magistrates, without any increased remuneration for such duties, by way of salary; and every such clerk of the peace shall be entitled to demand, receive, and be paid the fees payable to the clerk of the magistrates, by virtue of this and any other act of the legislature, now or hereafter to be in force in that behalf, in addition to the fees payable to him as clerk of the peace; and, where the office of clerk to the magistrates was held by the last clerk of the peace, the clerk of the peace, to be appointed, shall also enter upon and perform all and every the duties theretofore done and performed by, and appertaining to, the office of the clerk to the magistrates, and receive the salary and fees attached to the office of clerk of the peace, and also the fees to which the clerk to the magistrates may be entitled as aforesaid, but not the salary to which such latter officer was entitled; and whenever the office of clerk to the magistrates in any parish shall become vacant, such office shall be abolished, and shall not be filled up otherwise than as above mentioned, and the salary attached to the same shall cease and determine; and every clerk of the peace who shall neglect, omit, or refuse to perform the duties of the office of clerk to the magistrates for any parish to which he shall have been appointed, shall be deemed

Upon a vacancy occurring in the office of magistrates' clerk, the clerk of the peace shall perform the duties,

and receive the fees under this act.

Where the clerk of the peace was also the magistrates' clerk, the person appointed clerk of the peace shall perform the duties.

When magistrates' clerk's office to be abolished.

Penalty.

ed and taken to have resigned his original appointment of clerk of the peace.

No person not an attorney at law shall be appointed an officer, or be permitted to be the deputy, of any officer under this act.

Eleventh—That no person, not being an admitted attorney-at-law, shall be appointed to discharge any of the duties required under this act, nor shall any deputy be permitted to perform the duties of any officer under this act, unless he be an admitted attorney-at-law, duly qualified.

No deputy of a clerk of the peace, or magistrates' clerk, shall act against the crown, or prosecutor, in the parish in which his principal holds office.

Twelfth—That no deputy, or assistant of any clerk of the peace, or of any clerk of the magistrates, shall hereafter act against the crown, or prosecutor, on any prosecution arising on account of any offence charged, or committed within the precinct or parish for which the clerk of the peace, or magistrates' clerk, for whom such deputy or assistant may now or hereafter be employed to act, is or may be appointed.

Duration of act.

Thirteenth—This act shall continue and be in force until the thirty-first day of December, one thousand eight hundred and sixty-six.

SCHEDULE A.

Salaries of Clerks of Peace, and Clerks of Magistrates.

NAMES OF PARISHES.	CLERKS OF PEACE.	CLERKS OF MAGISTRATES.
Kingston	£800	£160
Port-Royal	120	120
St. Andrew	160	
St. David	120	80
St. Thomas ye East	200	120
Portland	120	80
St. George	120	80
Metcalfe	160	
St. Catherine }		120
St. John }	400	80
St. Dorothy }		
St. Thomas ye Vale	160	96
St. Mary	200	120
St. Ann	200	120
Clarendon	200	120
Vere	120	80
Manchester	200	120
St. Elizabeth	200	120
Westmoreland	200	120
Hanover	200	120
St. James	200	120
Trelawny	200	120

SCHEDULE B.

SCHEDULE B.

Fees of Clerks of the Peace.

Drawing indictment and attending trial, recording proceedings, and all other business connected therewith	-	£3	0	0
In case of private prosecutions, when the clerk of the peace shall not be required by the parties prosecuting to act, the fee of the clerk of the peace shall be	-	2	0	0
Taking depositions or examinations in all other proceedings, per sheet of 160 words, not connected with the above	-	0	1	6
Entering records, making copies and extracts, per legal sheet of 160 words	-	0	1	0
Each certificate, to be annexed to proceedings	-	0	2	6
Taking recognizance, each person	-	0	1	0
<i>Venire facias</i> , for each court	-	0	2	6
For each calendar, not exceeding three, for each court	-	0	4	0
Entering every order of court	-	0	1	0
Each copy	-	0	0	6
Making out and signing each subpoena, or summons to witness	-	0	0	9
Each copy	-	0	0	3
All proceedings to be returned on writ of <i>certiorari</i> , or <i>mandamus</i> , per sheet of 160 words	-	0	1	0
Servants' wages, information, and summons	-	0	4	6
Attending at trial, and all other work connected therewith	-	0	3	0
Warrant of distress	-	0	3	0

FEES UNDER PETTY DEBT ACT.

According to the provisions of that act.

SCHEDULE C.

Fees of Clerks of the Magistrates.

For every deposition or information	-	£0	2	0
Summons or warrant, when required	-	0	2	0
Each copy	-	0	1	0
Attendance at the trial of each case, concluding [<i>including</i>] the examinations of witnesses, and entering record, and all matters connected therewith	-	0	3	0
Affidavit to ground search warrant, and warrant	-	0	4	0
Affidavit and warrant for articles of the peace, or good behaviour	-	0	4	0
Each notice	-	0	0	9
Each copy	-	0	0	3
Each summons or subpoena for witness	-	0	0	9
Each copy	-	0	0	3
Taking recognizance, each person	-	0	1	0

C A P.

C A P. XIX.

An act to fix the salaries of the clerks of the vestry, and other officers, in the several parishes.

Preamble.

WHEREAS it is necessary to fix the salaries of the clerks of the vestries, and other officers, in the several parishes : *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :*

The officers mentioned in the schedule to this act to receive the salaries set opposite to their respective parishes.

First--Upon the passing of this act, the several officers, whose offices are set down and mentioned at the head of the respective columns in the schedule to this act annexed, shall be paid monthly, or quarterly, the respective salaries set opposite to the respective parishes in such schedule, such salaries to commence and be paid from the first day of January, one thousand eight hundred and sixty.

Salaries to coroners to be in full of mile-money, and forms.

Second—The salaries to the coroners shall be, in stead and in full of all fees to which such coroners may be entitled, under any act of the legislature now in force, and of commutation for mile-money, and printed forms, under the " Vestry Election and Regulation Act, 1856 ;" and it shall not be lawful for the vestry of any parish to pay any coroner mile-money, or allowance for forms, notwithstanding that a sum for those purposes has been included in the estimates for the year one thousand eight hundred and fifty-nine—sixty.

Fee to coroner, when required to do the duty of a sheriff.

Third—That whenever a coroner shall be required to perform the duties of a sheriff, in the execution of any writ, issued out of any court of this island, he shall be entitled to be paid the fee of three pounds three shillings, and mile-money, at the rate of two shillings and six pence for every mile he shall have to travel from his place of residence to the place he is required to go to execute such writ ; and the plaintiff, in every such writ, shall be bound to pay such fee of three pounds three shillings, and the mile-money fixed by this act, to such coroner, before he proceeds to the execution of such writ ; and the defendant shall be required to pay such fee, and mile-money, as part and parcel of the damages, and costs, of the writ executed upon him.

Inspectorship of weights and measures to be abolished upon vacancy occurring.

Fourth—Upon any vacancy occurring in the situation of inspector of weights and measures for any parish in which such office at present exists, no new appointment shall take place ; but the duties shall be performed by the inspector of police, or by one of

of the sergeants of police, without any salary or remuneration, beyond the salary attached to his office as such inspector, or sergeant.

Fifth—This act shall continue in force until the thirty-first day of March, one thousand eight hundred and sixty-seven. Duration of act.

SCHEDULE.

	Clerk of Vestry.	Clerk of Com- mon Council.	Coroners.	Inspector of Weights.	Crier of Courts.
Saint Catherine ...	£250		£120	£30	£20
Saint John ...	160		72		10
Saint Dorothy ...	160		72		10
Saint Thomas ye Vale	210		96		10
Clarendon ...	250		120		10
Vere ...	160		72		10
Manchester ...	260		120		10
Saint Mary ...	250		120		10
Saint Ann ...	260		120		10
Kingston ...	...	£460	200	60	20
Port-Royal ...	160		{ Town, }		10
...	...		{ £28 16s. }		
...	...		{ Country, }		10
...	...		{ £43 4s. }		
Saint Andrew ...	210		120		10
Saint Thomas ye East	260		120		10
Saint David ...	160		72		10
Portland ...	160		72		10
Saint George ...	160		72		10
Metcalf ...	210		96		10
Saint Elizabeth ...	260		120		10
Westmoreland ...	260		120		10
Hanover ...	260		120		10
Saint James ...	260		120	30	10
Trelawny ...	260		120	30	10

C A P. XX.

*An act to consolidate and amend the laws relating to the Falmouth marine hospital.***Preamble.**

WHEREAS it is necessary to consolidate and amend the laws relating to the marine hospital, in the town of Falmouth, in the parish of Trelawny: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Custos and two justices of the peace to be commissioners for managing the hospital.

First—The custos, and two justices of the peace of the parish of Trelawny (such justices to be chosen on the first day of February, or as soon after as may be practicable in each year, by a special sessions to be convened for that purpose,) shall be commissioners for managing and governing the said hospital, and, subject to the approval of the governor, and executive committee, may appoint and remove officers and servants; and on any removal, or other vacancy, appoint others, and make, or alter, or amend rules and regulations for the government and discipline of the said hospital, and the officers and inmates thereof; and, subject to the like approval, advertise for tenders, and take contracts for the supply of stores, and necessaries, for the supply of the said hospital.

Accounts to be audited by commissioner of board of audit.

Second—The accounts of, or with, or against the said hospital, shall be audited by the commissioner for auditing the public accounts; and orders may be drawn by any two of the commissioners above designated, the custos being one, on the receiver-general, for the payment of the expenses of the hospital, which shall be paid on the governor's warrant.

Accounts of receipts and expenditure to be forwarded by receiver-general whenever required by governor, in executive committee.

Third—Accounts, in detail, of all receipts and expenditure on account of the said hospital, shall be forwarded by the receiver-general to the governor, in executive committee, whenever required, and like accounts for each year, ended thirtieth day of September, shall be laid before the assembly, within twenty days after the meeting of any session next after such day.

Dues payable by vessels arriving at Falmouth.

Fourth—From and after the passing of this act, there shall be paid by the master of every vessel trading to the northward of the tropic of Cancer, which shall arrive at the port of Falmouth, direct from any port or place out of this island, the sum of ten-pence per ton for every ton of measurement of such vessel, and by the master of every vessel trading between the tropics, which shall arrive at the said port of Falmouth, direct from any port or place out of this island,

island, five pence per ton for every ton of measurement on such vessel.

Fifth—Where any vessel shall not come direct from a port or place out of this island, to the port of Falmouth, but shall have first entered at another port in this island, such vessel shall be liable only to the payment of one half of the duties to which it would otherwise have been liable under this act; and, upon the clearance from the said port of Falmouth, for any other port in this island, of any vessel, which, having arrived at the port of Falmouth, direct from any port or place out of this island, shall not have discharged more than one half of her inward cargo, or having discharged her cargo, shall not have taken on board any outward cargo, the sub-collector of the said port of Falmouth shall repay to the master, at the time of clearance of any such last-mentioned vessel, one half of the duties which such master shall have paid upon the entry of such vessel.

Provision when the vessel has entered some other port previously.

Sixth—The duties aforesaid shall be paid to the sub-collector of the customs at the port of Falmouth by the master at the time of making entry of his vessel, and such master shall, at the time of making such entry, state, in writing, the tonnage of his vessel, and exhibit to, and deposit with, the sub-collector the register, and, where there is no register, the sea letter of his vessel, until the duties shall be actually paid; and if a fraudulent entry shall be made, or a false register, or sea letter, exhibited with intent to evade the payment of the said duty, or any part thereof, the master, so offending, shall, for every offence, incur a penalty not exceeding thirty pounds, nor less than ten pounds, to be recovered in a summary manner before any two justices of the peace of the parish; and, in default of payment, the said justices shall commit the offender to gaol for any period not exceeding sixty days, nor less than thirty days, unless he shall sooner pay the penalty imposed.

Dues to be paid to the sub-collector at Falmouth.

Master of vessel to state tonnage of same, and exhibit register, or sea letter.

Fraudulent entry punishable.

Penalty, how recoverable.

Seventh—Upon the arrival of any foreign vessel in the said port of Falmouth, the tonnage of such vessel shall be ascertained by the same mode of measurement as in ascertaining the tonnage of British vessels, and the duties paid accordingly.

How tonnage of foreign vessels may be ascertained.

Eighth—The sub-collector at the port of Falmouth shall enter, in a separate account to be kept by him, and pay over to the receiver-general weekly, all duties received under this act; and the receiver-general shall carry all sums, so paid to him, to the credit of an account, which he shall open in his books, to be called "*The Falmouth Marine Hospital Account*," and he shall debit such account with all sums paid by him on account of such hospital.

Sub-collector to keep a separate account of dues, and pay over to receiver-general.

Certain acts repealed.

Ninth—The thirty-fifth George third, chapter twenty-seven :

The forty-fifth George third, chapter thirty-two :

The fifty-third George third, chapter seventeen, and

The twenty-second Victoria, chapter twenty-nine,

shall be, and they are hereby, repealed ; but the repeal of the said acts shall not invalidate and [any] proceedings taken, or contracts entered into under them ; and the justices, chosen under the twenty second Victoria, chapter twenty-nine, shall continue to be, and act as commissioners for managing and governing the said hospital, until other justices shall be chosen under this act, notwithstanding the repeal of the said last-mentioned act.

C A P. XXI.

An act to authorize the vestry of Saint Andrew, and the common council of Kingston, to sell certain lands, bequeathed to the poor of the said parishes, and for other purposes.

Preamble.

WHEREAS captain John Barton Phipps, did, by his will, dated the thirtieth day of January, one thousand seven hundred and ninety-four, bequeath to the poor of the parishes of Saint Andrew and Kingston a certain piece or parcel of land, situate in the said parish of Saint Andrew, containing one hundred and seventy acres ; and Sarah Morris did also, by her will, dated the twenty-fifth day of December, one thousand eight hundred and eight, bequeath to the poor of the said parishes a pen, or parcel of land, also situate in the said parish of Saint Andrew, and containing eighty acres : *And whereas* no rents or profits are derived from such lands, and it is desirable to dispose of the same, and to apply the purchase-money to the use and benefit of the poor inhabitants of the said parishes of Saint Andrew and Kingston : *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :*

Vestry of Saint Andrew, and common council of Kingston, may sell certain lands,

First — It shall be lawful for the vestry of the parish of Saint Andrew, and the common council of the city of Kingston, to sell, by public outcry, for the most money that can be got for the same, the two several pieces or parcels of lands aforesaid, situate in the parish of Saint Andrew, and bequeathed by the said

said John Barton Phipps, and Sarah Morris, respectively, to the poor of the parishes of Saint Andrew and Kingston, together, separately, or in lots or parcels, and to grant valid titles for the same, or such portions thereof as shall at any time be sold by the direction of the said vestry of Saint Andrew, and common council of Kingston.

Second—Every parcel of such lands, so intended to be sold, shall be advertised for sale in one or more newspapers, published in the city of Kingston, for not less than six days; and such advertisement shall state the place and time of such sale, which shall be in the city of Kingston, and be signed by the clerk of the vestry for Saint Andrew, and the clerk of the common council for Kingston.

Must advertise same.

Third—It shall be lawful for the vestry of Saint Andrew, and the common council of Kingston, to authorize the clerk of the said vestry, and the clerk of the common council, to execute and deliver to the purchasers of such lands, or any of them, deeds for the lands which shall be purchased by them; and such deeds shall be in the form, or as nearly so as practicable, hereunto annexed.

May authorize clerk of vestry, and clerk of common council, to execute deeds.

Fourth—It shall not be necessary to do more, in any such deed, than to recite that the lands mentioned therein were bequeathed to the poor of the parishes of Saint Andrew and Kingston; that the vestry of Saint Andrew, and the common council of Kingston, have directed such lands to be sold, and authorized the clerk of the vestry of Saint Andrew, and the clerk of the common council of Kingston, to execute and deliver deeds to the purchasers of such lands at such sales; that the vendors are the clerk of the vestry of Saint Andrew, and the clerk of the common council of Kingston; that such lands were put up to public sale in the said city of Kingston, and the vendee named in such deed was the highest bidder at such sale.

Recitals in same.

Fifth—The purchaser of any such lands shall not be liable to see to the appropriation of the purchase-money of the same; and the deed, executed by the clerk of the vestry, and clerk of the common council aforesaid, shall convey the fee simple of such lands to the purchaser thereof, his heirs and assigns, for ever.

Purchaser not liable to see to appropriation of purchase money.

Sixth—The vestry of the parish of Saint Andrew, and the common council of the city of Kingston, are hereby authorized to place at interest, in either or both of the banks in the city of Kingston, or to purchase island debentures with, or to lay out, in the erection of an alms house for the use of the poor of the said

Such monies may be placed at interest, &c.

said parish and city, all or such portions of such moneys as shall be received for the lands authorized by this act to be sold, and when such moneys are placed at interest, or invested in debentures as aforesaid, to apply the interest which shall be received for the same towards the maintenance and support of the poor of the said parish and city rateably, according to the sums which shall be expended for the maintenance of the poor in each of the said parishes in each year.

Term lands defined.

Seventh—The term “lands,” whenever used in this act, shall mean tenements, and hereditaments.

FORM OF DEED.

JAMAICA, SS.

Form of deed.

By virtue of “An act to authorize the vestry of Saint Andrew, and the common council of Kingston, to sell certain lands, bequeathed to the poor of the said parishes, and for other purposes,” this indenture is made this day of 186 *between A. B. of the parish of* and C. D. of the parish of *of the first part, and E. F. of the parish of* of the second part: *Whereas the lands hereinafter mentioned were devised to the poor of the parishes of Saint Andrew, and Kingston, and the vestry of Saint Andrew, and the common council of Kingston have directed such lands to be sold, and authorized the clerk of the vestry, and the clerk of the common council, to execute and deliver deeds to the purchasers of such lands at such sales: And whereas the said A. B. is the clerk of the vestry of the parish of Saint Andrew, and the said C. D. is the clerk of the common council of Kingston, and the said lands were put up to public outcry in the said city of Kingston, and the said E. F. was the highest bidder at such sale: This Indenture therefore witnesseth, that by virtue of the recited act, and in consideration of the sum of* pounds, paid by the said E. F. *previous to the delivery of this deed, the said A. B. as clerk of the vestry of the said parish of Saint Andrew, and C. D. as the clerk of the common council of the said city of Kingston, have granted, conveyed, and enfeoffed unto the said E. F. and his heirs, all that piece or parcel of land and hereditaments, situate in the parish of* containing *be the same more or less, butting and bounding, as per diagram hereunto annexed, or east on* west *on* north on *and south on* or howsoever

*soever otherwise the same may be butted, bounded, or known.
To hold to the said E. F. and his heirs and assigns for ever.*

A. B. c. v.
C. D. c. c. c.

*Signed, sealed, and delivered by the said
A. B. and C. D. in the presence of*

C A P. XXII.

An act to amend "The Fire-Arms' Registration and License Act, 1858," twenty-second Victoria, chapter twenty-five.

WHEREAS it is necessary to amend "The Fire Arms' Registration and License Act, 1858," twenty-second Victoria, chapter twenty-five: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

First—The second and third sections of such act are hereby repealed.

2d and 3d secs. 22d
Vic. cap. 25, repealed.

Second—On, from, and after the thirty-first day of March, in the year one thousand eight hundred and sixty, and in each succeeding year during the continuance of this act, no person whosoever shall have, or keep in his possession, any fire-arm, or fire-arms, without obtaining a license therefor, under a penalty of five pounds for neglecting or refusing so to do; and every such license shall continue in force from the thirty-first day of March, as aforesaid, or the period of the granting thereof, when such period shall be subsequent to the thirty-first day of March, until the thirtieth day of March of the year next succeeding that in which it shall have been granted.

After 31st March, 1860,
no person to keep fire-
arms without a license.

Third—The sum of ten shillings shall be paid to the collector of dues of each parish for every license for possessing any fire-arm, or fire-arms, granted therein, and the receipt of the collector of dues shall be sufficient authority, to the clerk of the peace, to make out and grant such license, according to the form annexed to this act.

Ten shillings to be
paid for each license.

Fourth—The monies to be received by the collector of dues of every parish for every such license, after deducting his commissions,

Collector of dues to
pay over monies to
receiver general.

sions, at the rate of five pounds for every one hundred pounds, shall be by him paid over to the receiver-general, within fourteen days after each receipt, under a penalty of twenty pounds for every neglect or default ; and the said receiver-general shall credit the public with the money so paid, for the use of the government of this island.

Form of license.

Fifth—In lieu of the form of license, schedule B, to the recited “ Fire-Arms’ Registration and License Act, 1858,” the form annexed to this act shall be used.

Penalties, how recoverable, &c.

Sixth— Every penalty by this act imposed may be recovered, and shall be appropriated as any penalty under the recited act may be recovered and appropriated.

Enactments of 22d Vic. cap. 25, incorporated in this act.

Seventh—All provisions and enactments of the recited act, not inconsistent with, or repugnant to, or repealed by this act, shall be taken as incorporated with, and as part of this act.

Collector of dues to transmit list of persons to inspector of police.]

Eighth—That the collector of dues of each parish shall, once a quarter, commencing on the thirty-first day of March next, transmit, to each inspector of police, a list of persons in his parish to whom licenses to carry fire-arms have been granted, and that each such inspector shall forward a copy of such list to each station under his command.

Duration of act.

Ninth—That this act, and the recited act of the twenty-second Victoria, chapter twenty-five, shall cease and determine on the thirty-first day of March, one thousand eight hundred and sixty-one.

FORM OF LICENSE.

JAMAICA, SS.

These are to license and permit A. B. of the parish of
to carry and use (1) until the thirtieth day of March,
one thousand eight hundred and agreeable to the provi-
sions of the “ Fire-Arms’ Registration and License Acts, 1858.”

Dated day of 18

C. D. clerk of the peace.

(1) State number and kind of fire-arms.

C A P.

C A P. XXIII.

An act for the appointment of an island chemist.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:

First — It shall be lawful for the governor to appoint some fit and proper person, who shall reside in Kingston, and who shall be called "ISLAND CHEMIST," and, by his warrant, to direct, quarterly or monthly, as he shall think fit, a salary to be paid to the person so appointed, at the rate of three hundred pounds *per annum*; and, for neglect of duty, or general impropriety in his office, to remove any person, so appointed, if he shall see occasion; and, in case of a vacancy occurring by such removal or otherwise, to appoint some fit and proper person as such island chemist, at the salary aforesaid; and it shall be the duty of such person to make any analysis which the governor, or executive committee, in any matter, or any court, or judge, or bench of justices of the peace, or coroner, in any prosecution, examination, inquest, or proceeding, shall require him to make; and he shall make to the governor or other authority requiring such analysis, a full and particular report thereof, and of his opinion or judgment therein; and every such report, and opinion, under the hand of such chemist, and attested by any justice of the peace, shall be evidence in any examination, inquest, or proceeding, not of a final character, before any bench of justices, or justice, or coroner; and, whenever it may be necessary for such chemist to appear to give evidence before any court, out of the precinct of Kingston, or Saint Catherine, as a witness for the prosecution, his expenses shall be allowed and paid by the public, in the like manner, and on the like scale, whereon the expenses of any medical witness are allowed, and paid.

Governor may appoint an island chemist, who shall be paid a salary of £300 per annum, and make any analysis required.

Second—That this act shall wholly cease and determine on the thirty-first day of December, one thousand eight hundred and sixty-one.

Duration of act.

C A P. XXIV.

*An act in aid of the "Industrial Schools' Act, 1857,"
twenty-first Victoria, chapter forty-one.*

Preamble.

WHEREAS it is necessary to enlarge the provision made under the "Industrial Schools' Act, 1857," twenty-one Victoria, chapter forty-one: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :*

Governor may direct payment of a sum not exceeding five pence per day for each child in an industrial school.

First--The governor, with the advice of the executive committee, shall have power, and he and they are hereby authorized, if he shall think proper, to direct payment to be made, by the receiver-general, to the managers of any certified industrial school, to which any child shall be sent, under the authority of the "Industrial Schools' Act, 1857," of such sum of money, not exceeding five pence per day, for each child, as the governor, with the advice of the executive committee, shall consider sufficient and proper to be paid ; and such payments shall be made monthly, or quarterly, as the governor shall direct.

25th sec. 21st Vic.
cap. 41, repealed.

Second--The twenty-first section of the said "Industrial Schools' Act, 1857," shall be, and the same is hereby, repealed.

C A P. XXV.

ANNUAL.

An act to impose additional duties of customs on certain articles of export, to be applied in aid of the expenditure of the several parishes.

C A P.

C A P. XXVI.

An act to provide for the liquidation of the debt due on account of the loan advanced under the authority of the imperial statute, second and third William fourth, chapter one hundred and twenty-five, and island act, fourth William fourth, chapter two.

WHEREAS it is proper to provide for the settlement of the debt now due from this island to the imperial government on account of the loan, or sum of two hundred thousand pounds, advanced for the public service, and on the credit of this island, under the authority of the imperial statute, made and passed in the session of parliament, holden in the second and third years of the reign of his late majesty king William the fourth, chapter one hundred and twenty-five, the principal and interest moneys on which loan, or debt, were, by the third section of the act of the legislature of this island, of the fourth year of the reign of his said majesty, chapter two, charged upon the revenues of this island as a prior lien : *And whereas* the total amount of principal and interest moneys, which will have accrued due as of the fifth day of February now next, on such debt, is the sum of two hundred and forty-three thousand five hundred and forty-one pounds, or thereabouts : *And whereas* there is reason to believe that the government of her majesty the queen, with a full sense of the financial difficulties under which this colony has laboured, and a desire of aiding it in its progress towards the restoration of its fiscal prosperity, and of promoting its good and quiet government, will propose to parliament that the said debt shall be taken to be finally settled, by an appropriation, from the permanent annual revenue of this island, of the sum of six thousand four hundred pounds *per annum*, being a sum equal, or nearly equal to the interest, at four *per cent. per annum*, payable upon the principal of the debt, as it stood on the fifth day of February, one thousand eight hundred and forty-seven ; and that such amount, instead of being paid into the imperial treasury, and appropriated to the use of the mother country, shall be applied to certain public services of this colony : *And whereas* it is manifestly to the advantage of the colony that this arrangement should be accepted : *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :*

Preamble.

First—After payment of the sum of thirty thousand pounds, ap-
K 2
propriated

£6,400 per annum
reserved out of duties
levied under 17th Vic.



cap. 29, and 21st Vic.
cap. 34, as a perpetu-
al annuity to the im-
perial government.

propriated to the payment of the principal and interest of the public debt, and the sum of twenty-five thousand pounds, for defraying certain expenses of the government of this island, respectively provided and directed to be paid under the act of the seventeenth Victoria, chapter twenty-nine, for the better government of this island, and for raising a revenue in support thereof, there shall be paid, as the next charge, in every year after the passing of this act, such sum or sums of money, not exceeding in the whole the sum of six thousand four hundred pounds *per annum*, as the governor, with the advice of the executive committee, shall, by his warrant or warrants in that behalf, direct to be paid by the receiver-general, by way of perpetual annuity to the credit of the imperial government, but to be applied to the service of the colony, out of the revenue fund, to be raised under the said act of the seventeenth Victoria, chapter twenty-nine, and out of the permanent duty on rum, and other spirits imposed by the thirty-eighth section of the "Main Road Fund Act, 1857," twenty-first Victoria, chapter thirty-four, or out of any duties larger or equal in amount to those imposed by the recited act seventeenth Victoria, chapter twenty-nine, which shall be collected and raised by any other act of the legislature of this island.

To be in full settle-
ment of loan under
4th William 4, cap. 2.

Second—So long as such perpetual annuity, by this act created and provided, shall continue to be paid as herein provided, the same shall be taken to be in full and final settlement and discharge of all principal and interest monies accrued, and to accrue on the debt or loan incurred and advanced, as before-mentioned.

Account of expendi-
ture to be laid before
the assembly.

Third—That an account, in detail, of the expenditure of the said yearly sum of six thousand four hundred pounds, shall be laid before the assembly, within the first two weeks of each meeting thereof.

Act not to come into
operation until her
majesty assents to it;

Fourth—This act shall not come into operation until the same shall have received her majesty's royal assent, and a proclamation of such assent having been given, shall be made by the governor.

C A P. XXVII.

ANNUAL.

An act to provide for the imposition and payment of duties on stills, and for other purposes.

C A P.

C A P. XXVIII.

An act to continue in force, for a limited period, "The Stamp Duty Act, 1855," (eighteenth Victoria, chapter twenty-seven,) and the twenty-first Victoria, chapter thirty-eight, and the several other acts relating to the imposition of stamps.

ANNUAL.

C A P. XXIX.

An act to extend the provisions of the immigration act, 1858, to Chinese immigration.

WHEREAS it is expedient to extend the provisions of "The Immigration Act, 1858," (twenty-second Victoria, chapter one), and "The Immigration Loan Act, 1858," (twenty-second Victoria, chapter three), and "The Immigrants' Industrial School's Act, 1858," (twenty-second Victoria, chapter eight), to immigrants from China: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

First—The provisions of the said two firstly recited acts, applicable to Asiatic immigrants, shall extend and apply to immigrants introduced by the government of this island from China, and the provisions of the thirdly recited act shall extend to such immigrants' children, and other children introduced under the provisions of this act, except as the recited acts, or any of their provisions respectively, may be altered by this act.

The provisions of 22d Victoria, chapters 1, 3, and 8, extended to immigrants from China.

Second—Chinese immigrants shall be distinguished as a separate class by the alphabetical letter G, and be numbered by a particular number, commencing with the number one, and proceeding by regular numerical progression.

Chinese immigrants to be distinguished as a separate class.

Third—The indentures of Chinese immigrants shall be made in conformity with the contracts entered into by them previously to embarkation, and the form of the indenture, number four, in the schedule to the immigration act, one thousand eight hundred and fifty-eight, shall be altered accordingly, to meet the requirements of such contracts.

Indentures of Chinese immigrants to be in conformity with contracts entered into before embarkation.

Fourth—Any Chinese immigrant, desirous of determining his indenture, shall be at liberty so to do on payment, to the agent-general of immigration, of a sum of money equal to the sum or sums which the employer and employers would have been required to pay

Chinese immigrant may determine indenture on certain conditions.

pay, if such immigrant had continued indentured for the residue of the full term of five years ; and, upon payment of such sum, shall be released absolutely from indenture, and be immediately entitled to a certificate of industrial residence : *Provided*, That no such immigrant shall be at liberty to determine his indenture, until he shall have given two years' industrial service, unless the contract, entered into previously to embarkation, shall contain an express stipulation to the contrary.

Proviso.

Wages of immigrant retained for benefit of parents, &c. to be paid by employer to receiver-general for transmission to China.

Fifth—In case any indenture shall contain a stipulation for the payment of any portion of the wages of any Chinese immigrant, for the benefit of his parents or family in China, the same shall be retained by the employer, and paid by monthly instalments, through the immigration agent, into the public treasury, in order that the same may be transmitted to an agent in China for payment to the proper persons entitled to receive the same, and the governor may make all regulations necessary for giving effect to this provision.

Payment may be enforced by warrant of distress.

Sixth—The payment of such moneys may be enforced in the summary manner provided by the sixty-eighth section of the immigration act, one thousand eight hundred and fifty-eight, and the warrant of distress and sale may be signed by the agent-general, or sub-agent, and shall be in the form, or to the effect following :

Form of warrant.

Whereas default has been made in payment of the portion of wages of Chinese immigrants located on _____ *estate,*
in the parish of _____ *reserved to be paid to me for*
transmission to China for the benefit of their parents or families ; that is to say, _____ *monthly instalments to the*
day of _____ *instant, of* _____ *each, equal to* _____ *un-*
der indenture, dated the _____ *day of* _____ *one thou-*
sand eight hundred and _____ *with an immigrant named*
G. (15), as also _____ *monthly instalments to*
the _____ *day of* _____ *each, equal to* _____ *under in-*
denture, dated the _____ *day of* _____ *one thousand eight*
hundred and _____ *with an immigrant named*
(G. 18), which several instalments amount, in the aggregate,
to the sum of _____ *These are therefore to command you*
to levy the said sum of _____ *by distress of any goods and*
chattels to be found upon the said estate, in the said parish,
upon which a landlord might distrain for rent in arrear ; and
if, within fourteen days next after such distress by you taken,
with or without previous appraisement, the said sum, and the
charges of distraining and keeping the same, shall not be paid,
then that you do sell the said goods and chattels, so by you de-
strained, and out of the money arising from such sale, that you
do retain the charges of distraining, keeping, and selling the
same goods and chattels, and pay the said sum of

to

to me, to be accounted for under the provisions of the Chinese immigration act, one thousand eight hundred and fifty-nine, or any other act in force relating to Chinese immigrants, returning the surplus, on demand, to the proprietor, overseer, or manager of the said estate.

Given under my hand, this day of

To any policeman of the parish of

Seventh—Every Chinese female, and every Chinese child, under the age of twelve years, introduced under the provisions of this act into this island, who shall not be bound or liable to serve under indenture, shall be deemed a free settler, and the expense of introduction of every such female, and child, shall be paid, in the first instance, out of the monies to be raised under an act to be passed, to be entitled “The Immigration Loan Act, one thousand eight hundred and fifty-nine.”

Chinese females, and children, not under indenture, to be deemed free settlers.

Eighth—The agent-general of immigration shall determine the age of every such child, supposed to be under the age of twelve years, according to the report or return of the emigration agent in China, or otherwise, according to the best evidence or information he can obtain.

How expense of introduction shall be defrayed.

Ninth—For the purposes of this act, two Chinese children, between the ages of one and twelve years, shall be received and counted as one woman, and the proportion in which Chinese women and children shall be introduced shall never exceed that of one woman, or two children, between such ages, to two Chinese immigrants, bound or liable to serve under indenture.

Two children to count as one woman.

Tenth—The returns of immigrants, required to be furnished by the agent-general of immigration, on or before the tenth day of November in each year, to the receiver-general, and the governor, shall contain Chinese immigrants, at the time of their introduction, bound or liable to serve under indenture, and also Chinese women, and children respectively introduced, under the provisions of this act, within the previous fifteen years, alive in this island on the preceding thirtieth day of September, and the returns as to such women and children shall be made in such form as the governor shall direct; and the like sum as is required for every immigrant, within the recited immigration act, one thousand eight hundred and fifty-eight, to be credited to the Immigrants' Colonization and Return Passage Fund, shall be carried to the credit of the same fund, for or on account of every Chinese immigrant and woman, and every Chinese child, under the age of twelve years, at the time of his or her introduction, who shall appear by such return

Returns of immigrants by agent-general of immigration to contain Chinese immigrants,

and to be made in such form as the governor shall direct.

Immigration Colonization and Return Passage Fund to be credited with a certain sum for each Chinese woman and child.

How the amount
shall be invested.

turn to have been respectively introduced under the provisions of this act, within such period as aforesaid, and alive in this island at the preceding thirtieth day of September, in each such year, out of any unappropriated public moneys in the hands of the receiver-general; and the amount, so credited, shall be appropriated accordingly, and shall be invested, and the interest thereon accumulated, in the manner directed by the seventy-second section of such immigration act, one thousand eight hundred and fifty-eight, to form a fund for payment of the principal and interest of the moneys to be raised for introducing such Chinese women and children.

Meaning of certain
words defined.

Eleventh—In the construction of this act, the words immigration-agent, immigrant, Asiatic immigrant indenture, and employer respectively, shall have the same respective meaning as is assigned to them respectively by the first section of the immigration act, one thousand eight hundred and fifty-eight."

Short title of act.

Twelfth—This act may be cited, for all purposes, as the "CHINESE IMMIGRATION ACT, 1859."

C A P. XXX.

An act for raising funds to defray the expense attendant on the introduction of Chinese women, and children, as free settlers in this island.

BE it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :

Governor, with advice of executive committee, may borrow money sufficient to introduce not more than 1000 women and children annually, as free settlers.

First—The governor may, with the advice of the executive committee, from time to time, as shall be deemed expedient, borrow and raise, in this island, or in Great Britain, such sums of money as shall be sufficient to pay the cost of introducing any number, not exceeding one thousand, in any one year, of Chinese women, and children under the age of twelve years (two of such children counting as one woman), as free settlers, in the proportion fixed by the "Chinese Immigration Act, 1859;" and in like manner as is prescribed, and with the same powers as are given by the first, second, and third sections of the "Immigration Loan Act, 1858," except that the bonds or debentures for securing the moneys, to be raised under the authority of this act, shall be redeemable fifteen years at furthest, after the date thereof.

Second—

Second—The half-yearly interest on such moneys shall be paid out of "The Immigrants' Colonization and Return Passage Fund," established according to the provisions of "The Immigration Act, 1858," and "The Chinese Immigration Act, 1859," and remitted in like manner as is prescribed by the sixth section of "The Immigration Loan Act, 1858."

Interest upon such loan to be paid half-yearly out of "Immigrants' Colonization and Return Passage Fund,"

Third—The principal moneys, to be raised under the authority of this act, shall be paid and discharged out of the amount to be accumulated on, or on account of, such "Immigrants' Colonization and Return Passage Fund," and "The Immigration Act, 1858," and "Chinese Immigration Act, 1859."

and the principal out of the accumulation of said fund, &c.

Fourth—The credit of the island shall stand pledged for the repayment of all moneys, to be raised as aforesaid, and the annual interest thereof.

The credit of the island pledged for the repayment of monies borrowed.

Fifth—This act shall take effect on the first day of January next, and may be cited, for all purposes, as "The Immigration Loan Act, 1859."

Short title of act.

C A P. XXXI.

An act to amend the twenty-fourth section of "The Immigration Act, 1858," and to limit the duration of certain contracts.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :

First—If the agent-general of immigration shall report that the accommodation provided for any immigrant is bad, or insufficient, or shall report any proved misconduct of the employer towards any immigrant ; or if, on any other ground, the governor shall consider it requisite, the governor may direct the said agent-general to cancel the indenture of any immigrant ; and also, if he shall so think fit, of every other immigrant indentured to such employer, and thereupon such immigrant, or immigrants, shall be wholly discharged from all further service to such employer ; and the governor shall direct the said agent-general to indenture every immigrant, who shall be so discharged, to such other employer as to the said agent-general may seem fit ; and, from the date of the indenture to such other employer, the preceding employer shall be released from any future pecuniary or any other liability, in respect of every immigrant so discharged from his service : *Provided, That*

Upon report of bad or insufficient accommodation of immigrant, or misconduct of employer, the governor may cancel the indenture of any immigrant, and of every other immigrant,

and direct every immigrant, so discharged, to be indentured to another employer.

The term of service under new indenture, with past period of

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service, not to exceed original term of service.

the term of service for which every such immigrant shall be indentured, by any such new indenture, shall not, together with the time of his or her past service, exceed the period of service for which such immigrant was previously bound; and the words "immigrant," "employer," and "indenture," respectively, as herein used, shall have the same respective meaning as is assigned to them respectively by the first section of "The Immigration Act, 1858."

No contract for service by immigrants to endure for more than three years.

Second—No contract for service, unless otherwise provided by any act relating to immigration into this island, shall be binding for any period exceeding three years.

C A P. XXXII.

An act to raise a volunteer militia force, and to amend the laws regulating the militia of this island.

Preamble.

WHEREAS it is expedient to empower the governor to raise volunteer rifle corps, and artillery companies, and to amend the laws regulating the militia of this island: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Troops of mounted volunteers to be formed in each parish.

First—There shall be formed, in the several parishes of this island, troops of mounted volunteers; and every person, not disabled by bodily infirmity, and possessing a horse, may tender his services as a volunteer to serve in a mounted troop.

Each troop to consist of certain officers and privates.

Second—Each troop shall consist of a captain, a lieutenant, a cornet, a quarter master, three sergeants, three corporals, a trumpeter, and a surgeon, and assistant surgeon, for each thirty men, and the respective understated number of privates; that is to say,

The Kingston troop shall consist of, not exceeding sixty privates:

Saint Andrew troop not exceeding forty privates:

Port Royal troop not exceeding twenty privates:

Saint David troop not exceeding twenty privates:

Saint Thomas in the East troop not exceeding sixty privates:

Portland troop not exceeding thirty privates:

St. George troop not exceeding thirty privates:

Metcalf troop not exceeding forty privates:

Saint

Saint Catherine troop not exceeding fifty privates :

Saint John and Saint John [*Dorothy*] not exceeding forty privates :

Saint Thomas in the Vale troop not exceeding forty privates :

Saint Mary troop not exceeding sixty privates :

Saint Ann troop not exceeding sixty privates :

Clarendon troop not exceeding forty privates :

Vere troop not exceeding twenty privates :

Manchester troop not exceeding fifty privates :

Saint Elizabeth troop not exceeding forty privates :

Westmoreland troop not exceeding sixty privates :

Hanover troop not exceeding sixty privates :

Trelawny troop not exceeding sixty privates :

St. James troop not exceeding sixty privates.

Third—After the passing of this act, any person holding a commission in the regiment of foot militia, or troop of horse, in any parish of this island, and any other person in any such parish who shall be desirous of tendering his services as an officer of the volunteer troop of such parish, may forward to the custos a notification, in the form hereunto annexed, marked A, of such his desire to serve, and the custos shall, with the least possible delay, submit to his excellency the governor the names of such of the said persons as to him shall seem most eligible for such service; and, in the event of his excellency approving of such persons, the secretary to the governor shall forthwith cause the names of the persons, so approved of, and the respective grades for which they may hold commissions, or to which they or any of them shall have been appointed by the governor, to be gazetted in the Jamaica Gazette, by authority; whereupon each person, so gazetted, shall immediately be entitled to enter upon the discharge of his duties, and to exercise all proper and necessary authority as an officer in such grade in the volunteer troop to which he shall have been so appointed.

Persons desirous of being officers must forward notification to the custos of the parish, who shall submit names to the governor, of parties considered eligible.

Fourth—Any officer holding rank in the militia, superior to that of captain, may be appointed to be captain or commanding officer of a volunteer troop, and shall nevertheless continue to hold his higher rank in the militia, and be called and designated according thereto.

Militia officer of rank higher than captain, may be appointed captain of volunteer troop, but shall continue to hold his higher rank.

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Fifth—

Persons holding commission in militia, appointed an officer in volunteer troop, to have seniority over any other person of same grade in troop.

Fifth—Every person, at present holding a commission in the militia, who shall be appointed an officer in any such volunteer troop, shall be so appointed as of his present rank or grade, and shall have seniority over any other person holding a commission of the same grade, who may be appointed to be an officer in any such volunteer troop.

Officers of troop to admit privates.

Sixth—The officers appointed to each such volunteer troop shall respectively receive and admit volunteers as non-commissioned officers and privates, not exceeding the number by this act limited for the respective troop ; and shall, from time to time, receive and admit volunteers to supply any vacancy that shall occur, but no volunteer shall be admitted, who shall not be unanimously approved by the three officers of the troop.

Captain of troop to appoint non-commissioned officers.

Seventh—All non-commissioned officers shall be appointed by the captain of the respective volunteer troop, and shall hold their rank during pleasure.

Period of enlistment to be one year.

Eighth—The period of service for which each officer, non-commissioned officer, trumpeter, and private shall be admitted, shall be one year.

Officers and men to take oath.

Ninth—Every officer and man appointed, or admitted into every such troop, shall take the following oath :

Form of oath.

"I, A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to her majesty queen Victoria, and that I will faithfully serve in the volunteer militia of Jamaica, for the defence of the said island, and the maintenance of order, and the public peace therein, during my enrolment in such militia."

Which oath may be administered by any justice of the peace of this island, who shall grant a certificate that such oath has been taken before him.

Volunteers to be subject to provisions of militia laws, but exempt from service in militia.

Tenth—Every person serving as a volunteer under this act shall, in all respects, be subject to the provisions of, and, in case of offence, to the respective penalties imposed, and be entitled to all exemptions and privileges conferred by the several acts now or hereafter to be in force applicable to the officers and men respectively of the militia force of this island, and shall be exempt from liability to serve otherwise in the militia force during his period of service as a volunteer, and from taxation in respect of one horse.

Commissions not liable to stamp duty.

Eleventh—No commission, issued under this act, shall be liable to any stamp duty.

Twelfth—

Twelfth—Any volunteer troop may be disbanded by authority of the governor, who may thereupon authorize the formation of another troop in lieu thereof, and agreeably to the provisions of this act.

Any volunteer troop may be disbanded.

Thirteenth—The uniform, arms, equipment, and accoutrements of the officers and men of the several volunteer troops shall be such as the governor shall from time to time direct, but of the best and most serviceable kind, without unnecessary ornament, and each volunteer shall provide his own uniform, but the arms, equipment, and accoutrements, so directed as aforesaid, shall be furnished to the non-commissioned officers and privates of the said volunteer troops at the expense of the island, but shall always remain island property; and the parties receiving them shall be accountable for them, and the governor may direct such security as he may think proper to be taken for the safe-keeping, in good order, of such arms, equipments, and accoutrements, and the redelivery thereof to such officer as may be appointed to receive them, whenever the governor shall, for any purpose, direct such redelivery.

Uniform, &c. shall be as the governor shall direct.

Arms, &c. for non-commissioned officers, and privates, to be furnished by the public.

Fourteenth—All officers of such volunteer troops shall furnish their own uniform, arms, equipments, and accoutrements.

Officers to furnish their own uniforms, &c.

Fifteenth—The volunteer troops shall be drilled and exercised at such times and at such places as the governor may from time to time appoint, not exceeding twelve days in a year; and it shall be lawful for the governor to cause the employment of instructors in drill and musketry for the proper training of such volunteer troops, which instructors shall be paid at such rates as may be reasonable for such services, under the warrant of the governor: *Provided*, That the total expense to be incurred for such instructors shall not exceed two hundred pounds *per annum*, in the whole.

Regulations as to drill.

Expense thereof limited.

Sixteenth—Nothing herein contained shall prevent any such troop from assembling, or being ordered out by the officer commanding it, for drill or exercise, according to any arrangements which may be made for that purpose by the captain of such troop, and previously approved by the governor.

Commanding officer of troop may order the same out for drill.

Seventeenth—Sufficient ammunition for practice at drill, as well as for service, shall be supplied to the volunteer troops, at the expense of the island, in such manner as the governor shall direct.

Ammunition to be supplied by the island.

Eighteenth—Every volunteer troop shall be liable to be called

Volunteer troops liable to be called out in aid of civil power.

called out, in aid of the civil power, in case of riot or other emergency requiring such services; and shall, when so employed, be paid the sum of seven shillings *per diem* for the rations of each non-commissioned officer and private, and the forage of each horse, while actually and necessarily present in such service.

and to quell riots, &c.

Nineteenth—It shall be the duty of the captain, or officer commanding every such volunteer troop, to call out the same, or such portion thereof respectively as may be necessary for the purpose of quelling any riot, or for the preservation of good order, and support of the civil power on any other emergency, when thereunto required, in writing, by the custos, mayor, or senior magistrate, or any three justices of the peace of the parish in which such riot shall be, or emergency shall arise; and all the officers and men of the troop, so called out, shall repair under arms, and mounted, to the appointed place to which they shall be required to proceed, and the command shall be taken by the senior officer, or non-commissioned officer present, as they shall respectively arrive; and all officers and men, so called out, shall obey such instructions as shall be lawfully given by any justice of the peace in regard to the mode of quelling such riot, or for the preservation of good order, and support of the civil power; and every officer, non-commissioned officer, and man of such troop shall, on every such occasion, obey the orders of his commanding officer.

Custos of a parish may require the attendance of volunteers of a contiguous parish.

Twentieth—It shall be lawful for the custos, mayor, or senior magistrate of any parish to send a requisition, in writing, to the captain of the volunteer troop, in any contiguous parish, to repair, with his troop, or such portion thereof as may be necessary, to such place in the parish from which the requisition shall come, as in such requisition shall be appointed, for the purpose of quelling a riot, or for the preservation of good order, and the support of the civil power; and thereupon all the officers and men of the troop, so called out from any contiguous parish, shall repair under arms, and mounted, to such appointed place, and in all other respects shall serve in like manner, and be subject to the like duties and obligations as the officers and men of any volunteer troop are by this act required to serve and are made subject unto, in case of being called out in aid of the civil power in the parish in which they shall have been formed, and the non-commissioned officers and men shall be entitled to the like allowances for rations and forage as they would be on any such last-mentioned occasion.

Governor may direct volunteers to proceed to any part of the island.

Twenty-first—It shall be lawful for the governor to direct, whenever he shall deem it expedient, that any such volunteer troop shall

shall proceed on service to any place within this island ; and, in such case, the officers and men of each such volunteer troop, so directed, shall forthwith repair under arms, and mounted, to the place appointed by the governor, and, when their services shall be so required, the non-commissioned officers and privates shall receive such allowances for rations and forage, at the like rates as is herein directed in respect to occasions of their being called out by the custos, or mayor, or magistracy of any parish.

Twenty-second—No non-commissioned officer or private of any volunteer troop shall, in any case, unless legally discharged, leave the same without giving at least one month's notice, in writing, to the commanding officer thereof, of his intention to do so.

No volunteer to leave without giving one month's notice.

Twenty-third—Uniforms, arms, and accoutrements, and ammunition, as the same shall be directed by the governor, shall be furnished, at the expense of the island, to the non-commissioned officers and privates of the militia force of this island, or so many of them as the governor shall think fit to order to be called out for drill and exercise, or service, and the several enactments contained in any law relating to the militia of this island, in respect to uniform, arms, accoutrements, and ammunition, or either, shall apply to the arms, accoutrements, and ammunition which may be furnished, under this act, to the non-commissioned officers and men of the militia force.

Uniforms of privates, &c. to be furnished at expense of island.

Twenty-fourth—The governor shall have full power to direct the embodiment of the militia, or any part thereof, and to call it out for drill and exercise at such times and places, in their respective parishes, and in such manner as he may appoint, not exceeding one day in each month.

Governor may direct the embodiment of the militia.

Twenty-fifth—When the militia of any parish shall be called out, in case of war, invasion, insurrection, or riot, or eminent danger thereof, the volunteer troop of such parish shall be deemed to be included in the order ; and when the whole militia, or the militia of several parishes, shall be called out, all the volunteer troops of the parishes whereof the militia shall be called out, shall be deemed to be included, and shall immediately, and at all times thereafter, on the occasion for which their services shall be required, obey the orders they may receive.

When the militia is called out, the volunteers to be deemed included in the order.

Twenty-sixth—Any volunteer trooper, carrying a despatch on any occasion of service, shall have the like authority to impress any horse or mule as is given by the act ninth Victoria, chapter thirty-five, to any trooper, in the case therein mentioned : *Provided*, That he report the impressment to the commanding officer of the

Volunteer trooper may impress horse, &c.

and report same.

the post, or other authority to whom he is proceeding, whose duty it shall be to return the horse or mule to the owner immediately on the conclusion of the service for which the same was impressed, under the penalty of double the value of the animal impressed, to be recovered in a summary manner before any two justices of the peace.

Governor may appoint officers to artillery companies.

Twenty-seventh—It shall be lawful for the governor to accept the services, and to make appointments of persons, as officers in the several artillery companies, prescribed by the act of the ninth Victoria, chapter thirty-five, in like manner as is by this act provided in respect to the appointment of officers of volunteer troops, and volunteers shall be admitted into such artillery companies in like manner as volunteers may be admitted into volunteer troops under this act; and the several officers and men, so appointed and admitted into such artillery companies respectively, shall be subject to all the provisions, duties, and obligations, and entitled to all the benefits or rights to which the officers and men of volunteer troops are by this act made subject and entitled.

An officer of the army may be appointed military secretary,

Twenty-eighth—It shall be lawful for the governor, with her majesty's sanction, to appoint any officer in her majesty's army to be his military secretary of militia, with a temporary rank of colonel, and the commission of such military secretary shall not be chargeable with any stamp duty; and all orders, directions, and notifications conveyed, or signed by such military secretary, shall be deemed and taken, to all intents and purposes, to proceed from the captain-general: *Provided*, That the officer to be appointed as military secretary under this act shall not receive any remuneration whatever for any services to be performed under this act.

but without remuneration.

Expenditure not to exceed £3000.

Twenty-ninth—It shall be lawful for the governor, with the advice of the executive committee, to expend a sum not exceeding three thousand pounds for the purposes of this act, and of the militia force of this island; and all monies, so expended, shall be paid under the warrant of the governor, to be for that purpose directed and issued to the receiver-general.

How certain offences may be punished.

Thirtieth—The several offences respectively specified or provided against in the several laws of this island relating to the militia thereof, shall, in the like cases happening in respect to any provisions of this act, be taken to be offences under or against this act, and shall be punishable in like manner, and by the like penalties, whereby such several offences may be punished, under such laws, or either of them respectively; and all penalties may be recovered, and shall be appropriated as the respective penalties under

der such laws are made recoverable, and appropriated [*appropriate*.]

Thirty-first—That this act shall continue and be in force for the period of three years, from the passing thereof. Duration of act.

FORM A.

Sir,

I hereby notify to you my desire to serve in the volunteer troop [or artillery company] for the parish of
I have, &c.

To his honor

the custos of

{ *The person making this notification should add, after his signature, his rank under any commission, if he holds any in the militia.*

C A P. XXXIII.

An act to amend the " Vestry Election and Regulation Act, 1856," nineteenth Victoria, chapter twenty-one.

WHEREAS it is necessary to amend the " Vestry Election and Regulation Act, one thousand eight hundred and fifty-six : " *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :*

Preamble.

First—The custos of each parish shall, on the twenty-eighth day of September, the twenty-eighth day of December, and on the twenty-eighth day of March, and the twenty-eighth day of June in each and every year, or within ten days thereafter, and at such other time or times as may be necessary, summon the vestry to meet for the disposal of any business which may be brought before it ; and, at each of the meetings, to be held on or after any of the days last-mentioned, all accounts against the parish for the quarter then expiring shall be examined ; and, if found correct, passed ; and the custos, or magistrate presiding at any such meeting, shall, during its sitting, draw, and he is hereby required to draw orders on the receiver-general, in payment of all such accounts as shall have been passed by the vestry, and of the salaries of the several parochial officers, each of which orders shall be countersigned by the clerk of the vestry

Custos to summon meetings of vestry on certain days, and at other periods, to pass accounts, &c.

M

How orders may be drawn.

Proviso.

Proviso.

Collector of dues to pay monies to receiver-general.

Custos to summon vestry in July to prepare statement of expenditure.

try, and shall contain the name in full of the party in whose favor it is drawn, the amount in words for which it is drawn, and the purpose or account for which the money is to be paid; and the clerk of the vestry shall, immediately after each such vestry, forward to the commissioner of the board of audit, schedule, correctly stating the particulars of the drafts and orders so drawn at such vestry: *Provided*, That whenever a larger amount than one-fourth of the amount allowed in the estimate for any item of expenditure, which could not be accurately ascertained at the period for making up such estimate, shall, at the end of any quarter of a year, as aforesaid, be required to pay the fourth of the expenditure on account of such item, it shall be lawful for the custos, or magistrate presiding at the vestry, to draw for a sum larger than one-fourth of the amount provided in the estimate for such particular item, and so on, until such amount shall have been exhausted; and, thereafter for the excess over the amount provided in the estimate for such particular item, against the amount provided for unforeseen expenses; and, should this latter amount have been fully drawn, or the balance thereof not be sufficient to meet such excess, then against any amount which shall remain unexpended on the estimate for the year; but in no case shall the total amount drawn for any year exceed the total amount allowed on the estimate for the year: *And provided*, That in all cases where sums shall be included in the estimates, which are not the subject of quarterly or other periodical payments, but are in gross for one expenditure in the whole year, the full amount may be drawn for at one time, if the justices shall think fit.

Second—Each collector of dues, as often as he shall pay money into the receiver-general's office, on account of any taxes, dues, or other moneys on any account received by him, shall, and he is hereby required to specify the particular objects or purposes for which each sum of money has been collected or received, according to the form which the receiver-general shall furnish from time to time for such purpose.

Third—The custos of each parish shall summon the vestry of the parish to meet in the month of July, in each year, and prepare, in detail, according to the schedule C, annexed to the "Vestry Election and Regulation Act, 1856," and the provisions of this act, an estimate of the expenditure of such parish for the year; and also, in the form marked A, to this act annexed, an account of all parochial revenue receivable in such parish by the collector of dues; and the clerk of the vestry of each parish shall, so soon as the estimate and account aforesaid have been passed by the vestry, transmit three copies of each to the secretary

secretary of the executive committee, for the approval of such committee; and it shall be lawful for such executive committee to reduce the amount of any of the items contained in such estimate; and such estimate, when approved, and endorsed as approved by the secretary of the executive committee, and returned by him, shall be taken as the estimate for the year mentioned therein, and shall not be changed or varied in any respect by the vestry of the parish by which it was originally framed.

Fourth—In lieu of communicating with the vestry of each parish to which advances shall have been made, under the act eighteenth Victoria, chapter sixty, the secretary of the executive committee shall, in each year, ascertain and add to the estimates of expenditure, of each such parish respectively, the annual instalment of principal and interest to be raised and payable on account of each such parish respectively, and the amount of such instalment shall be raised as part of the parochial expenditure accordingly.

Secretary of executive committee may add certain sums to estimate.

Fifth—The vestry of each parish shall, at their first meeting after the twenty-eighth day of June in every year, elect the usual parochial officers; and the persons, so elected, shall continue in office, unless removed, until the thirtieth day of June, in the succeeding year, and further, until an election shall take place of such officers.

Vestry to elect parochial officers at first meeting after 28th June.

Sixth—It shall be lawful for the vestry of any parish to employ, where such shall have been at any time previously employed, a competent person to keep in repair a clock attached to the parish church, or any public building of the principal town of the parish, and to provide for the reasonable remuneration of an almoner, or officer for the distribution of monies appropriated for the relief or support of the parish paupers; and, where there is or shall be in any parish church or chapel an organ, or other instrument of such nature, used in the service of the church or chapel, the vestry of the parish may include, in their estimates, a reasonable sum for the remuneration of any competent person engaged to play such organ, or other instrument, and the expense of keeping the same in repair.

It may employ certain persons, viz.

Keeper of clock.

Almoner.

Organist.

Seventh—The vestry of each parish shall, on requisition to them from the justices, in special sessions assembled, hire, and keep in repair, one or more commodious buildings or rooms, to be used for the holding of district courts, the situation of such court-house or rooms to be determined by the justices, in special sessions.

And hire, and keep in repair, district court houses.

Support certain schools.

Eighth—If there be any school in any parish heretofore, and at the time of the passing of the " Vestry Election and Regulation Act, 1856," supported by funds raised by the vestry, by taxation on the inhabitants of such parish, such vestry shall continue to maintain such school, and include the necessary amount in their estimate of expenditure.

May not become plaintiffs in any suit without consent of executive committee.

Ninth—The justices and vestry of any parish, or the corporation of Kingston, shall not become plaintiffs in any suit or action, or commence any proceeding, or incur any expense on account of any proceeding at law or in equity, without first obtaining the sanction of the executive committee to the particular suit, action, or proceeding, or expenditure on account thereof respectively; and if any action, suit, or proceeding shall be brought, commenced, or threatened against the justices and vestry of any parish, or the corporation of Kingston, no defence shall be entered, or expense incurred therein, unless the sanction of the executive committee shall have been first had and obtained.

Nor defend any action, &c.

Parochial revenues and money to be paid to receiver general.

Tenth—All moneys or revenue, payable or receivable heretofore to the use or credit of each or any parish of this island, on account of parochial revenues, from any fund or source whatsoever, shall continue to be received, and shall be paid over to the receiver-general for the use of the public of this island; and all moneys at the thirtieth of June, one thousand eight hundred and fifty-eight, or now in hand for, or at the credit of, any parish, in the receiver-general's office, or elsewhere, on any loan or other account, and all arrears, or outstanding assessments for parochial taxes of every parish, shall be paid over to the receiver-general, and be by him carried to the credit of the public revenue.

Executive committee may sanction relief of house tax.

Eleventh—It shall be lawful for the executive committee to sanction the relief of any tax imposed upon, or in respect of, any house, by any act of the legislature for the payment of cholera or small pox expenses.

And assessments for parochial purposes.

Twelfth—No assessment of any tax for parochial purposes, or any instalment thereof, shall be relieved, until the grounds of relief, and a recommendation by the relief committee, or assistant commissioner, shall have been submitted to, and approved by, the executive committee, in like manner as reliefs on account of public taxes are submitted and approved.

Custos, and three justices, elected by the justices, to be a com.

Thirteenth—The justices of each parish shall, in the month of February, in every year, at a special sessions to be summoned for

for such purpose, elect three justices, and the custos, and such three elected justices shall form a committee, three of whom shall be a quorum, to examine into all applications made by individuals, or by the collector, or any district collector of taxes, or collector of arrears of taxes, for relief from the whole or any part of the taxes, to the payment of which any such person shall have been assessed, or from the liability to collect which such collector, or district collector of taxes, or collector of arrears of taxes, shall seek to be relieved, and to report to the vestry of the parish upon all such applications.

Committee for relief of taxes.

Fourteenth—No person shall be a member of such relief committee, who shall be a surety for the collector, or any district collector of taxes, or collector of arrears of taxes, either for public or parochial taxes for the parish; and if any such person shall be elected, such election is hereby declared void, and another justice shall be elected in his stead.

No surety of a collector to be a member of such committee.

Fifteenth—Upon the death, departure from this island, removal from the parish, or resignation of any member of such committee, or the refusal or neglect of any justice to serve on such relief committee, the justices of the parish shall proceed, in manner aforesaid, to elect a justice, in the room of him so dying, departing from this island, or removing, or resigning, or refusing to act, for the remainder of the year in which the vacancy shall have occurred.

Vacancies in such committee may be filled up.

Sixteenth—Each justice, to be so elected as aforesaid, shall take the oath prescribed by the act of the nineteenth Victoria, chapter twenty-one, to be taken by the respective members of the relief committee, as by such act provided; and each such justice shall have the like powers and authorities, and be charged with the like duties and liabilities, as are given to, and charged upon, the respective members of the relief committee, as provided under such act.

Each justice elected must take an oath.

Seventeenth—The like right of appeal, as was by such act provided in matters of relief of taxes, is hereby reserved in all such matters as may arise after the passing of this act, subject to any modifications or enactments, which may have been made by any act of the present session relating to appeals, and the provisions of the fifty-seventh section of such act shall, in all respects, apply, in case of false evidence before any relief committee, under this act; and also in case of refusal or neglect to attend, or refusal, when attending, to give evidence in obedience to any summons of any such relief committee.

Appeal allowed in case of relief of taxes.

Eighteenth—

No person to be exempt from payment of taxes.

Proviso.

Proviso.

Officers of army and navy on actual service exempt from certain taxes.

School house exempt from taxation.

Clerk of vestry of St. John may keep his office in Spanish Town.

Certain clauses of an act repealed.

Eighteenth—Except as provided by the several acts now, or hereafter in force, the justices and vestry of the several parishes, and the mayor, aldermen, and common councilmen of the city and parish of Kingston, in this island, shall not exempt any person whatsoever, within their respective parishes, from the payment of any tax, or any part thereof, laid, assessed, or imposed under and by virtue of any act, under the penalty of thirty pounds on each of the said justices and vestrymen, mayor, aldermen, and common councilmen for each such exemption: *Provided*, That any mayor, alderman, or common councilman, or any justice, or vestryman, who shall be present, and vote against any such illegal act, and require his name to be entered in the minutes of proceedings as having so voted, shall not incur the said penalty: *Provided also*, That in any case not by law provided for, there shall be the like authority and power of granting relief, and of applying for, and proceeding to obtain and grant relief, as is provided for cases within the “ Vestry Election and Regulation Act, 1856,” or this act, and the powers and provisions for reliefs thereunder.

Nineteenth—Nothing in any act contained shall be construed to subject any officer of her majesty’s army or navy, on actual service in this island, to any tax imposed on houses, as to the house which he shall live or reside in, or on wheels or stock, in so far as such wheels or stock be necessary and suitable to his rank and station; but every such officer is hereby declared to be exempt from all or any such taxes.

Twentieth—Every school house, during and whilst the school held therein shall respectively be in operation, and every such house respectively as shall be used for the purposes of education, shall be, and is hereby declared to be, exempt from all taxation whatsoever.

Twenty-first—It shall be lawful for the clerk of the vestry of the parish of Saint John to keep an office, and transact parochial business, as such clerk of the vestry, in the town of Saint Jago de la Vega.

Twenty-second—The twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, forty-third, forty-fourth, forty-seventh, forty-eighth, sixtieth, and sixty-first sections of the “ Vestry Election and Regulation Act, 1856,” shall be, and the same are hereby, repealed; but, notwithstanding such repeal, any act which shall have been done previously thereto shall be valid and effectual.

SCHEDULE A.

SCHEDULE A.

*Account of the Property, Real and Personal, in the Parish [of]
in the year 18 liable to Taxation.*

Total Number.		£. s. d.
	Total number of wheels of wagons, wains, trucks, carts, and drays, water carts, and spring carts liable under twentieth Victoria, chapter twenty-five, and amount paid thereon	
	Total number of hackney carriages liable under ditto, and amount paid thereon	
	Total number of wheels of gigs, chaises, and carriages, wagons, wains, drays, carts, trucks, or carriages, liable under the "License and Registration Duty Acts, 1857—1858" (twenty-first Victoria, chapter forty, and twenty-second Victoria, chapter thirty-four), and amount paid thereon	
	Total number of horsekind liable, under the "License and Registration Duty Acts, 1857—1858," (twenty-first Victoria, chapter forty, and twenty-second Victoria, chapter thirty-four), and amount paid thereon	
	Total number of asses liable, under the "License and Registration Duty Acts, 1857—1858" (twenty-first Victoria, chapter forty, and twenty-second Victoria, chapter thirty-four), and amount paid thereon	
	Total number of breeding stock (other than horned stock), liable under the "License and Registration Duty Acts, 1857—1858" (twenty-first Victoria, chapter forty, and twenty-second Victoria, chapter thirty-four), and amount paid thereon	
	Total number of horned stock liable, under "License and Registration	

Duty

	£.	s.	d.
Total Number.	Duty Acts, 1857—1858," twenty-first Victoria, chapter forty, and twenty-second Victoria, chapter thirty-four), and amount paid thereon		
	Total number of houses, &c. liable, under the " License and Registration Duty Acts, 1857—1858," (twenty-first Victoria, chapter forty, and twenty-second Victoria, chapter thirty-four), and amount paid thereon		
	Total number of acres of land liable, under eighth Victoria, chapter sixteen, and twenty-first Victoria, chapter thirty-four, (" Main Road Fund Act, 1857"), and amount paid thereon		
	Total number of feet of foot land, liable to taxation, under eighth Victoria, chapter sixteen, and twenty-first Victoria, chapter thirty-four (" Main Road Fund Act, 1857,") or otherwise, and amount paid thereon		
	Probable revenue from undermentioned sources, viz. :		
	Licenses to retail Spirits, at		
	Ditto to keep taverns, at		
	Ditto to hawk and peddle, at		
	Ditto to sell gunpowder, at		
	The pounds		
	The parish lands, and houses, and pumps		
	The markets		
	The fines		

C A P. XXXIV.

An act to amend an act, entitled an act to establish and incorporate the Jamaica Slip Dock Company, passed twenty-second Victoria, chapter thirty-eight, to extend the time of commencing and completing the undertaking, and for transferring the company.

WHEREAS, since the passing of the said act to establish and incorporate the Jamaica Slip Dock Company, the provisional directors have not been able to obtain a subscribed capital of fifteen thousand pounds, required by the fourth section of the said act, before any of the powers given by the said act shall be put in force, consequently they will not be enabled to commence the construction of the said slip dock on or before the first day of January, one thousand eight hundred and sixty, as required by the second section thereof, which period is fast approaching, and they will require an extension of time for both the above and other purposes : *May it therefore please your majesty that it may be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same :*

Preamble.

First—That the time within which the Jamaica Slip Dock Company are required, by the said act, to commence the construction of the patent slip dock, shall be extended from the first day of January, one thousand eight hundred and sixty, until on or before the first day of January, one thousand eight hundred and sixty-two, and the time for the completion of the said undertaking, so as to be open and available to the public, shall be extended from the first day of January, one thousand eight hundred and sixty-three, until on or before the first day of January, one thousand eight hundred and sixty-five.

Time within which the undertaking shall be commenced, and completed, extended.

Second—That in the event of the difficulty of raising the required subscribed capital of fifteen thousand pounds continuing, the provisional directors of the Jamaica Slip Dock Company act, one thousand eight hundred and fifty-nine, shall be at liberty to transfer the said undertaking to a company, to be formed in Great-Britain, having capital, and desirous of carrying out the said undertaking, which new company shall be invested with all and every the rights, privileges, and powers of the said act, and subject to all and every the restrictions and liabilities, rules and regulations, under the said act imposed or required, and which last-named company shall form their own board of direction in Great-Britain,

Provisional directors may transfer undertaking to a company to be formed in Great-Britain,

N

or

or elsewhere, appoint their own officers in this island, and pass their own bye-laws, rules, and regulations, provided the same do not supersede, or in any manner interfere with, the provisions of the said hereinbefore recited act.

C A P. XXXV.

An act to amend the nineteenth Victoria, chapter thirty-seven, and twentieth Victoria, chapter twenty, relating to petty debts.

Preamble.

WHEREAS it is desirable to amend the nineteenth Victoria, chapter thirty-seven, and twentieth Victoria, chapter twenty, severally relating to petty debts: *Be it enacted by the governor, legislative council, and assembly of this island, as follows:*

Summonses may be signed, and issued by the clerk of the peace.

First—That all summonses, to be issued under this and the petty debt act, nineteenth Victoria, chapter thirty-seven, may be signed and issued by the clerk of the peace, without the signature of a justice of the peace.

A distress warrant may issue from time to time for enforcement of a judgment. Provision as to St. Catherine.

Second—That a distress warrant may, from time to time, as occasion shall require, issue for the enforcement of any judgment until complete satisfaction thereof; and it shall be lawful for the plaintiff, in any judgment obtained in any petty debt court of the precinct of Saint Catherine, to issue a distress warrant on such judgment, directed to the collector of petty debts of any one of the parishes comprising such precinct, in which the defendant resides, or where the same is intended to be executed, any thing in the said recited acts to the contrary notwithstanding.

Adverse claimant to property levied upon may issue a summons to collector of petty debts, requiring him to suspend the sale of such property.

Third—That if any adverse claim be set up by any person to property levied upon by the collector of petty debts, the adverse claimant, intending to assert his right thereto, shall forthwith issue a summons to the collector of petty debts, to the effect of the form hereunto annexed, marked A, requiring him to suspend the sale of the property, so levied on, until the title thereto be determined by any two justices of the peace, in petty sessions; and such justices of the peace shall be empowered to determine the right and title to the disputed property, and shall award, either that the property be delivered up to the claimant, or be retained by the collector of petty debts, and by him disposed of in satisfaction of the writ or writs under which the same was levied; and such judgment shall be subject to appeal, as in other cases of summary adjudication by justices of the peace.

And two justices may determine the right to such property, and award accordingly.

Fourth—

Fourth—The collector of petty debts shall be entitled to mile-money on all process issued under this, or any other act now in force relating to petty debts, which shall be served and executed by him, or his lawful deputy, at the rate of six pence per mile, to be reckoned and estimated from the court-house of the parochial town; and so much of the schedule annexed to the act twentieth Victoria, chapter twenty, which authorizes the collector to demand and be paid mile money, at the rate of three pence per mile, from the office of the clerk of the peace, shall be, and is hereby, repealed.

Collector of petty debts entitled to mile-money.

Fifth—That the plaintiff in each case shall, by warrant in writing, on payment and satisfaction of a judgment, direct the clerk of the peace to enter up satisfaction on the margin of the record, in his office.

Plaintiff may direct the clerk of the peace to enter satisfaction on judgment.

Sixth—That any person arrested under any distress warrant for debt under the provisions of the said recited acts shall (in default of payment of the said debt, and costs), be conveyed to the nearest debtor's gaol in any adjoining parish (if the parish in which such defendant is arrested shall not be provided with a gaol), and the collector, making such arrest, shall have full power to convey such defendant to such first mentioned gaol, notwithstanding the same shall be out of the parish for which he is collector; and any person obstructing such collector, or rescuing, or attempting to rescue such defendant, or any defendant who shall resist or refuse to accompany such collector, whilst in custody as aforesaid, and being convicted thereof, shall forfeit and pay a fine not exceeding ten pounds, and not less than five pounds; and, in default of payment, shall be committed to any prison for a period not exceeding ten days.

Person arrested under distress warrant shall be conveyed to the nearest debtor's gaol, in any adjoining parish.

Seventh—That the plaintiff in any judgment, or any assignee of such plaintiff, may assign, transfer, and set over, a judgment obtained under the petty debt act; and such assignment shall be recorded in the clerk of the peace's office, on payment of the fee of one shilling; and shall be in the words or to the effect following:

Plaintiff in any judgment may assign the same.

I, _____ have this _____ day of _____
 185 _____ assigned under
 a judgment obtained by me, or by _____ against
 for the sum of £ _____ for damages, and
 the sum of £ _____ for costs, in the petty debt court
 of the parish of _____ on the _____ day of _____
 185 _____ and there is now due thereon the
 sum of £ _____ for damages £ _____ for costs,
 and I have received the sum of £ _____ in full considera-
 tion thereof.

Form of assignment.

A.

FORM OF SUMMONS.—ADVERSE CLAIM.

JAMAICA, ss.

To the collector of petty debts of the parish of

Take notice, That you are hereby required to suspend the sale of certain property, levied on by you under a distress warrant A. vs. B. until the title thereto be determined; and, for that purpose, you are required to appear before the court of petty sessions, to be held at _____ in the parish of _____ on _____ the _____ day of _____ next (or instant), to shew cause why the said property, that is to say (enumerate them), should not be delivered up to L. M. of, &c. &c. who claims to be entitled thereto, as owner thereof, (stating how the title thereto acquired).

*Given under my hand, this**day of*

185

C. P. clerk of the peace, parish of

C A P. XXXVI.

An act to amend the act of the twentieth Victoria, chapters seventeen and eighteen, relating to highways, not being turnpikes, governed by special trusts, and to continue the same, so amended, in force.

BE it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same :

20th Vic. chaps. 17 and 18, continued in force until 31st March, 1862.

First—The act, made and passed in the twentieth year of her majesty's reign, entitled "*An act to consolidate and amend the laws relating to highways, not being turnpike roads, governed and regulated by acts specially relating thereto,*" (twentieth Victoria, chapter seventeen), as amended by the next mentioned act, and the act in aid of, and to amend the provisions of the said recited act (twentieth Victoria, chapter eighteen), as also this act, shall be continued, and be in force until the thirty-first day of March, one thousand eight hundred and sixty-two, except as regards the roads transferred to, and placed under the superintendence of, the main road commissioners.

Second—

Second—If a sufficient number of members shall fail to attend and form a board of commissioners on the day appointed for any quarterly or special meeting, it shall be lawful for the custos to call another meeting to transact the business which ought to have been disposed of at such lapsed meeting, at which subsequent meeting three members shall be sufficient to constitute a board for the transaction of business, provided the custos be present thereat; and all orders for payment of accounts for expenditure, passed at any such meeting, may be signed by three commissioners present, and countersigned by the clerk.

A sufficient number of members not attending, custos may call another meeting, when three shall be a quorum.

Third—It shall not be necessary to summon more than seven persons to serve as jurors; and a jury of three persons, or more, shall be sufficient, on any proceeding, for altering or discontinuing any existing road, or laying out any new road.

A jury of three sufficient for altering or discontinuing a road.

Fourth—The commissioners of every turnpike road may, and they are hereby empowered, from time to time, as they shall see convenient, to compound and agree, for any term not exceeding one year at any one time, with any person, for the tolls payable for any horses, cattle, or beasts, or carriages passing through any of the turnpikes, or toll-gates of the road under their care and management, and collected and taken under the authority of the particular act or acts in execution of which the commissioners, making such composition, shall act.

Commissioners may compound with any person for tolls for one year.

Fifth—If in any case it shall seem advisable to lease any toll-gate for any period exceeding one year, it shall be lawful for the commissioners to lease the same for any term not exceeding two years.

And lease toll-gate for two years.

Sixth—It shall be lawful for the commissioners of highways and bridges of any parish to make or repair, out of the tolls collected in such parish, any road in any adjoining parish connecting the two parishes: *Provided*, That the extent of road to be made or repaired shall not exceed four miles.

They may repair a road in an adjoining parish, not exceeding four miles.

C A P. XXXVII.

An act to authorize the accumulation of parochial funds, in certain cases.

WHEREAS it is desirable that sums, raised for the repairs of churches and chapels, in the annual ways and means of the parish in which the church or chapel requiring repairs may be

Preamble.

Executive committee may permit sums allowed in estimate for repairs of churches, &c. to be invested at interest until required to be expended.

Proviso.

be situate, or parts of such sums should, in some cases, not be expended during the financial year for which the same is raised, but should be reserved, and the expenditure delayed until sums, or parts of sums, raised in two or more years, shall be added together, and expended in gross: *Be it enacted by the governor, legislative council, and assembly, and it is hereby enacted by the authority of the same,* That it shall be lawful for the governor, and executive committee, if they shall approve of the reason given for delaying any expenditure from time to time, when and as they shall be thereunto required by the justices and vestry of any parish, in vestry assembled, to draw the sum set down and allowed for the repairs of churches and chapels in the annual schedule of ways and means, or any part thereof, and to hold and invest the same at interest, if interest can be obtained, to be ultimately applied to the purpose for which it was raised, whenever the justices and vestry of the parish, to which the money shall belong, shall signify their readiness to expend the same: *Provided,* That the governor, and executive committee, shall, in all cases, approve of such proposed ultimate expenditure, which shall not be otherwise than for the general purpose for which the money was first raised.

C A P. XXXVIII.

An act to amend the "License and Registration Duty Acts, 1857-1858."

Preamble.

WHEREAS it is necessary to amend the "License and Registration Duty Acts, 1857-1858:" *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same,* as follows:

Proceedings may be taken before two justices instead of proceedings on summons under 13th Vic. cap. 35.

First—Instead of proceeding on any summons, according to the act of thirteenth Victoria, chapter thirty-five, all proceedings shall be had and taken, and any sums of money, ordered to be paid thereon, may be recovered or enforced in a summary manner before any two justices of the peace of the parish wherein such summons shall have been issued; and, in default of payment of the sums of money ordered to be paid, the same may be recovered by warrant of distress and sale, under the hand of any justice of the peace of the parish, against the goods and chattels of the defendant; and, in default of any, or a sufficient distress, the defendant may be committed to the nearest gaol, by warrant under the hand of any justice of the peace of the parish, there to remain for a space not exceeding sixty days, unless he shall sooner pay the monies which he shall have been ordered and adjudged to have paid as aforesaid.

Second—

Second—Every sum of money now or hereafter to become due for or in respect of land tax, and every claim or demand in respect of any omission to make any in giving, or return, or of having made any untrue or insufficient return, or in-giving, may be proceeded for, recovered, and enforced by the collector of dues, in the like manner as any other tax or duty may be proceeded for, and recovered, or enforced; and, in every such proceeding, the certificate of the receiver-general shall be *prima facie* evidence of the amount of land tax, or arrears thereof, due and payable by the party against whom the same shall be presented.

Collector of dues may proceed for recovery of land tax in same manner as for recovery of any other tax.

Third—Every in-giving, or return of taxable property, shall contain a column, in which shall be particularly specified all carriages, wagons, wains, carts, water carts, drays, and other vehicles, with two or more wheels, horses, geldings, mares, mules, asses, breeding stock, and horned cattle, belonging to, or in the possession of, every person other than the proprietor, tenant, or occupier, or any member or inmate of his family, resident upon any sugar work, pen, plantation, or other property, or residing in any house, or other premises, and the names of every such person shall be particularly stated in every such in-giving, or return; but neither the proprietor, tenant, manager, nor occupier of any such sugar work, pen, plantation, or other property, or house, or premises, shall be responsible for any taxes or duties which may be chargeable for, or in respect of such several articles of property, to be specified in such in-giving, or return, or any of them.

In-givings must contain a column for carriages, &c. belonging to every person on estate, &c.

Fourth—If any person, entitled to payment of any sum of money from the public treasury of this island, shall be in arrear for any tax or duty by law imposed and payable, it shall be lawful for the collector of dues to lodge an affidavit of the non-payment of such tax, or duty, and of the amount thereof, with the receiver-general, who shall thereupon deduct the amount thereof from the sum payable to such person; and the amount of the tax or duty, in such case, shall be written up to the credit of such collector of dues, and also to the credit of the public of this island.

Collector of dues, may call upon receiver-general to detain amount for tax due by any person entitled to receive money from treasury,

Fifth—Every collector of dues shall have and exercise the like powers, rights, priorities, and remedies, except the power of levying, as were heretofore held, or might be exercised by any collector of taxes for recovering, enforcing, or receiving any taxes or dues by law imposed, and payable, and that as well against any insolvent estate, in the hands of any official or other assignee, of any person indebted, or liable for any tax or duty, or the goods and chattels levied upon or taken in execution of any person so indebted or liable, as against any other person whomsoever, or estate, or goods and chattels, whatsoever.

and have the same rights, &c. as a collector of taxes.

Sixth—

22d section of 21st
Vic. cap. 40, amended,
as to fines.

Sixth—That the twenty-second section of the twenty-first Victoria, chapter forty “The License and Registration Duty Act, 1857,” be amended, so far as respects the limitation of the minimum of fine thereby prescribed, and that any person transgressing the provisions of this, or of the said act, or of the act twenty-second Victoria, chapter thirty-four, intituled “The License and Registration Duty Act Amendment,” shall forfeit a sum not exceeding fifty pounds.

Form of warrant, No.
3, in 22d Vic. cap. 34,
may be used in lieu
of form No. 4, in cer-
tain cases.

Seventh—The form of warrant, number three, to “The License and Registration Duty Act Amendment,” (twenty second Victoria, chapter thirty-four), annexed, shall be used in any case happening under the tenth section of such act, as and for, or in lieu of, form number four, referred to in such last-mentioned section.

C A P. XXXIX.

ANNUAL.

An act for granting to her majesty certain sums of money, required for defraying certain expenses of the civil government, and certain other expenses connected with the public service, for the year one thousand eight hundred and sixty.

THE

ANNUAL LAWS OF JAMAICA

OF THE

SESSION OF 1859.

A

T A B L E

OF

THE ANNUAL ACTS

OF

THE SESSION OF 1859:

Shewing the Number of the Page on which each Act commences.

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CAP.	PAGE.		
13. An act to raise a supply for the use of the government of this island, by a duty on articles imported, and to appropriate the same	1	ties of customs on certain articles of export, to be applied in aid of the expenditure of the several parishes	8
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25. An act to impose additional du-		27. An act to provide for the imposition and payment of duties on stills, and for other purposes	10
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several other acts relating to the imposition of stamp	16	ment, and certain other expenses connected with the public service, for the year one thousand eight hundred and sixty	16
39. An act for granting to her majesty certain sums of money, required for defraying certain expenses of the civil govern-			

THE
ANNUAL LAWS OF JAMAICA.

ANNO REGNI VICESIMO TERTIO VICTORIÆ.

C A P. XIII.

An act to raise a supply for the use of the government of this island, by a duty on articles imported, and to appropriate the same.

WHEREAS it is requisite to provide means to meet the exigencies of the island: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:—*

Preamble.

*First—*On, from, and after the thirty-first day of December, in the present year, and until the thirty-first day of March, in the year one thousand eight hundred and sixty-one, there shall be raised, levied, and paid to her majesty, for the use and benefit of the government of this island, upon the several articles imported into this island, and enumerated in the schedule hereunto annexed, the several duties therein respectively set forth, and the several articles enumerated in the schedule, with the word “free,” set opposite thereto, shall respectively be admitted free of duty.

Duties on articles in schedule to be raised and paid.

A

Second—

Certain packages to pay duties, others to be free.

Second—Each hogshead, puncheon, or tierce, imported into this island, and containing coals, manure, or any other article not liable to duty, shall be charged with the same duty that is chargeable upon hogshead, puncheon, and tierce shocks, under this act; and all packages containing goods subject to the *ad valorem* duty, imposed by this act, shall be free from such or any other duty.

Duties to be levied under imperial act, 16th and 17th Vic. cap. 167.

Third—The duties payable under this act shall be levied, recovered, and received by her majesty's officers of customs in this island, under the regulations, and by means and powers of so much of an act, which passed the parliament of the united kingdom of Great Britain and Ireland, in the sixteenth and seventeenth years of the reign of her majesty queen Victoria, chapter one hundred and seven, entitled "*An act to amend and consolidate the laws relating to the customs of the united kingdom, and of the Isle of Man, and certain laws relating to trade and navigation, and the British possessions,*" as relates to the British possessions.

The produce of them to be paid to receiver-general.

Fourth—The moneys, the produce of the duties to be received by the means and powers of this act, shall be paid by the said officers of the customs, in each and every week, into the hands of the receiver-general for the time being, and shall be applied as hereinafter is directed.

Governor to appoint an inspector of invoices,

Fifth—It shall be lawful for the governor to appoint to the establishment of customs, at the port of Kingston, an officer, who shall be denominated "*INSPECTOR OF INVOICES,*" and whose duty it shall be to examine every invoice of goods imported into such port, previous to warrants being passed for such goods, and the duty upon them paid, and to ascertain and certify the correctness thereof; and no invoice shall be received, nor warrants passed for any goods mentioned in any invoice, which shall not be so certified; and if such inspector of invoices shall see reason to doubt the correctness of the value placed upon any goods mentioned in any invoice, he shall require the importer or consignee of such goods to attend at the custom house, and, in the presence of the collector, shall examine such importer or consignee on oath (which oath such collector is hereby authorized and required to administer), touching such goods and invoices, and the value thereof, and on all other points relating thereto: *Provided*, That it shall be lawful for the governor to remove the person so to be appointed inspector of invoices, and to appoint another in his place from time to time: *Provided also*, That the sub-collectors at the several ports shall have and exercise, and are hereby charged and vested with the like duties and powers, wherewith the said inspector of invoices is hereby charged and vested; and every such sub-collector is hereby authorized and required to administer, where necessary, in the execution

who may be removed.

Sub-collectors to have power of inspector of invoices.

cution of such duties, the like oath, as is hereinbefore directed to be administered by the collector for the purposes of this act.

Sixth—Whereas it is provided by the thirty-eighth section of the seventeenth Victoria, chapter twenty-nine, that the sum of thirty thousand pounds shall be raised by a duty on certain articles mentioned in the schedule C, to that act annexed, and appropriated to the liquidation of the public debt, and interest; and a further sum of twenty-five thousand pounds shall be raised and appropriated towards defraying certain expenses of the government of this island: *And whereas*, by a proviso to the forty-second section of the said act, it is declared that the duties, thereby authorized to be collected, shall not be collected during such time as duties, larger in amount, or equal in amount, shall be collected: *And whereas*, the duties imposed by this act are larger in amount than the duties imposed by the said seventeenth Victoria, chapter twenty-nine: *And whereas* it is necessary to provide for the payment of the said sums of thirty thousand pounds, and twenty-five thousand pounds, out of the duties to be received under this act: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted and ordained by the authority of the same*, That the receiver-general shall annually reserve, out of the duties to be collected and paid to him by the officers of the customs aforesaid, the sum of thirty thousand pounds, to be appropriated to the liquidation of the said public debt, and interest; and a further sum of twenty-five thousand pounds, towards defraying certain expenses of the government of this island, as is by the said act provided to be appropriated in the manner therein directed.

£30,000 and £25,000 appropriated.

Seventh—Of the residue of the duties to be collected under this act, a sum of seven thousand pounds shall be paid and applied in aid of the expenditure of the several parishes, and the balance or remainder of such duties shall be paid and applied to the use of the public of this island.

£7000 to be applied to parochial expenditure.

Eighth—Separate accounts shall be kept, by the receiver-general, of the appropriation of the said sum of seven thousand pounds, hereby made applicable in aid of the parochial expenditure.

Separate account thereof to be kept.

Ninth—It shall be lawful for the executive committee, if they shall think proper, upon proof that any materials or articles imported into this island, and subject to duty under this act, are intended to be exclusively used in the erection, or for the repairs, or in the service of any place of religious worship, to direct the officers of customs, at the port of entry of such materials or articles, to admit the same to entry without payment of duty; or for the receiver-general, on the warrant of the governor, to repay to the party im-

Articles for erection, &c. of churches, &c. exempt from duty.

porting such materials or articles the amount of duty which may have been paid upon the same.

Gunpowder for mining
exempt from duty.

Tenth—On proof to the satisfaction of the executive committee, that any quantity of gunpowder has been imported or purchased solely and exclusively for mining, blasting, or road purposes in this island, it shall be lawful for the receiver-general, on the warrant of the governor, to repay to the person or company who has imported or purchased gunpowder for such purposes, the amount of duty which shall have been paid upon the quantity of gunpowder so imported or purchased.

Gunpowder to be
warehoused at Port-
Royal.

Proviso.

Proviso.

Eleventh—It shall be lawful for the importer of gunpowder into this island to warehouse the same in the magazine of Port-Royal, without payment of duty on the first entry thereof, subject nevertheless to the rules, regulations, restrictions, and conditions contained in the act of the seventeenth Victoria, chapter second, or any other act for the warehousing of goods imported into this island, so far as the same are respectively applicable : *And provided further*, That no such gunpowder shall be delivered, except upon a delivery order, signed by the collector and controller of customs in this island, and specifying the name of the person to, or for whom any such powder is to be delivered, the quantity deliverable, and such other particulars as such collector and controller shall think necessary : *And provided also*, That nothing herein contained shall in any way interfere with, or counteract any law, rule, or regulation now in force, or practice, for the government or regulation of the said magazine at Port-Royal, or the officers in charge of Fort Charles.

Drawback to be allow-
ed on articles for re-
pairs of vessels in dis-
tress.

Twelfth—That the provision of the seventeenth Victoria, chapter thirty-three, and twentieth Victoria, chapter five, relating to drawbacks, shall be extended, and be allowed to operate in respect to all materials necessary to be used in the repairs of any vessel or vessels putting into any harbour in this island, in distress, for repairs : *Provided*, That the value of such articles, in the aggregate, exceed the sum of one hundred pounds.

Charge for storing gun
powder at Port Royal.

Thirteenth—So much of the fourteenth section of the "Gunpowder and Fire-Arms' Act, 1856," (nineteenth Victoria, chapter fourteen), as fixes the rate or standard of charge for storing, or receiving and keeping gunpowder in any fort or magazine, or other authorized place of deposit, shall be, and is hereby repealed ; and, instead thereof, there shall be paid by the person depositing gunpowder in any fort, or magazine, or authorized place, as by such act directed, to the captain, or person having charge of such gunpowder—

Two shillings for every barrel, capable of containing any
quantity

quantity not exceeding one hundred pounds weight of gunpowder :

One shilling for every half barrel, capable of containing any quantity not exceeding fifty pounds weight of gunpowder :

And six pence for every quarter barrel, capable of containing any quantity not exceeding twenty-five pounds weight of gunpowder.

SCHEDULE.

	£.	s.	d.
Ale, per tun	5	7	0
Asses, per head	0	5	0
Bacon, per cwt.	0	10	0
Barley, (not being pearl barley), per bushel	0	0	3
Beef, dried, per cwt.	0	10	0
Ditto salted, or cured, per barrel of 200lbs.	0	10	0
Beans, per bushel	0	0	3
Beer, per tun	5	7	0
Birds	Free.		
Books, printed, and printed papers, including maps	Free.		
Bread or biscuit, per cwt.	0	6	0
Bricks, per 1000	0	4	0
Bullion	Free.		
Butter, per cwt.	0	9	0
Calavances, per bushel	0	0	3
Candles, composition, per box of 56lbs.	0	7	0
— tallow, per box of 56lbs.	0	2	6
— wax, or spermaceti, per box of 56lbs.	0	10	0
Cattle, neat, per head	0	10	0
Carriages, not used, for agricultural purposes, for every £100 value	10	0	0
Carriages, carts, and waggon, used for agricultural purposes	Free.		
Cheese, per cwt.	0	10	0
Cider, per tun	4	7	0
Clothing, army and navy, and undress	Free.		
Coals.	Free.		
Cocoa, per cwt.	0	10	0
Coffee, per cwt.	1	0	0
Coin	Free.		
Coke	Free.		
Corn, Indian, per bushel	0	0	3
Cotton wool	Free.		
Diamonds	Free.		
Dogs	Free.		
Dyewoods	Free.		
Drawings	Free.		
Engravings, and lithographs, and photographs	Free.		
Fish, dried or salted, per cwt.	0	2	6
			Fish

	£.	s.	d.
Fish, fresh	Free.		
— smoked, not otherwise enumerated or described, per cwt....	0	4	0
— alewives, pickled, per barrel	0	2	0
— herrings, pickled, per barrel	0	2	0
— — smoked, per box of 25lbs.	0	0	6
— mackarel, pickled, per barrel	0	4	0
— pickled, not otherwise enumerated or described, per barrel	0	4	0
— salmon, smoked, per cwt.	0	10	0
— — wet, or salted, per barrel	0	10	0
Flax	Free.		
Flour, rye, per barrel	0	8	0
— — wheat	0	8	0
Fruit, fresh	Free.		
Goats, per head	0	2	0
Guano, and any other manure	Free.		
Gums	Free.		
Gunpowder, per lb.	0	0	6
Hams, per cwt.	0	10	0
Hand machines for preparing fibre, spinning cotton, or wool	Free.		
Hay and straw	Free.		
Hemp	Free.		
Hides, raw	Free.		
Horses, mares, and geldings, per head	1	0	0
Hogshead shooks, each	0	0	6
Hydraulic presses and printing presses	4	0	0
Ice	Free.		
Iron, galvanized, per 100lbs. [£.] value	4	0	0
— ditto for roofing	Free.		
Indigo, per lb.	0	0	3
Lard, per cwt.	0	5	0
Leeches	Free.		
Matches, lucifers, and others, per gross of twelve dozen boxes, each box to contain one hundred sticks, and boxes contain- ing any greater or lesser quantity, to be charged in propor- tion	0	5	0
Malt dust	Free.		
Marble, in slabs or blocks, per £100 value	4	0	0
Machines, (horse power), per £100 value	4	0	0
Meat, fresh	Free.		
— salted, or cured, per barrel of 200lbs.	0	10	0
Meal, not wheat, per barrel	0	1	0
Mills, whether for grinding canes, paint, coffee, corn, or grain of any kind, or for sawing boards, raising water, or ore, set in motion by steam, horse, wind, or water power, per £100 value	4	0	0
Molasses, per cwt.	0	3	0
Mules, per head	0	10	0
Necessaries (army and navy,) including mess plate and furni- ture, band instruments, to be certified by the military and naval commanding officers as requisite or necessary	Free.		
Oats, per bushel	0	0	3
Oil cakes, whole, or in powder, and other prepared food for animals	Free.		
Oil, per gallon	0	0	4
Painting			

	£.	s.	d.
Paintings in oil	...	...	Free.
Patent fuel	...	...	Free.
Pans for boiling sugar, whether of copper or iron, per £100 value	4	0	0
Peas (not being split peas), per bushel	0	0	8
Perry, per tun	4	7	0
Pipes for conveying fluids, per £100 in value	4	0	0
Plants, growing	...	...	Free.
Ploughs, plough-harrows, and harrows, cultivators, clod-crush- ers, horse-hoes, dibbles, sowing machines, four per cent. }	...	...	...
Pork, salted or cured, per barrel of 200lbs.	0	10	0
Porter, per tun	5	7	0
Poultry	...	...	Free.
Puncheons shooks, each	0	0	6
Pumps for raising water, per £100 value	4	0	0
Railway truck wheels, per £100 value	4	0	0
Resins and Rosin	...	...	Free.
Rice, per cwt.	0	2	0
— undressed, per bushel	0	1	0
Salt, per cwt.	0	0	1
— rock	...	...	Free.
Sarsaparilla	...	...	Free.
Sausages, dry or pickled, per cwt.	0	10	0
Sheep, per head	0	2	0
Slates	...	...	Free.
Soap, per box of 56lbs	0	3	0
Soda, ash, or sub-soda	...	...	Free.
Specimens, illustrative of natural history, mineralogy, and geo- logy }	...	...	Free.
Spirits, brandy, per gallon	0	7	0
— gin, per gallon	0	6	0
— rum, produce of, and imported from British posses- sions, per gallon }	0	6	0
— whiskey, per gallon	0	5	0
— spirits of wine, alcohol, and all other spirits, cordials, } or compounds, per gallon }	0	8	0
Stills, or any part of a still, per £100 value	4	0	0
Steam engines, or parts thereof, per £100 value	4	0	0
Sugar, refined, per lb.	0	0	2
— unrefined, per cwt.	0	10	0
Swine, per head	0	2	0
Tallow, grease, tallow grease, or grease, and slush	...	...	Free.
Tea, per lb.	0	1	6
Tierce shook	0	0	6
Tiles, marble, per £100 value	4	0	0
— earthen	...	...	Free.
Tobacco, manufactured, including Cavendish, for every pound } weight, 6d. }	0	0	6
— upon every 100lbs. weight of unmanufactured	1	1	0
— cigars, for every pound weight	0	2	6
Tongues, dried, per cwt.	0	10	0
— salted, or cured, per barrel of 200lbs.	0	10	0
Tortoise shell	...	...	Free.
Tow	...	...	Free.
Turtle	...	...	Free.
			Uniforms

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	£.	s.	d.
Uniforms, prescribed by her majesty's regulations, or any law of this colony			Free.
Vegetables, fresh			Free.
Wax, bees			Free.
Wheat, per bushel	0	0	8
Wines, whether in bulk, or bottled, per tun	15	0	0
Wood, for one thousand feet of pitchpine lumber, by superficial measure of one inch thick	0	12	0
— for every one thousand feet of whitepine lumber, or other lumber, by superficial measurement of one inch thick	0	8	0
— shingles, cypress, more than 12 inches in length, per 1000	0	4	0
— Boston chips, and all shingles not otherwise enumerated or described, per 1000	0	3	0
— woodhoops, per 1000	0	1	0
— staves and heading, red or white oak, or ash, per 1000	0	4	0
Wire, iron, for fences, and wire fencing, and iron standards and handles, [<i>hurdles</i>] and tomb railings, per £100 value	4	0	0
Works of art, in marble, bronze, or other material			Free.
And after these rates, for any greater or less quantity of such goods respectively.			
On all other goods, wares, and merchandize, plantation supplies, and effects, of every description, not previously enumerated, for every £100 value	12	10	0

C A P. XXV.

An act to impose additional duties of customs on certain articles of export, to be applied in aid of the expenditure of the several parishes.

Preamble.

WHEREAS it is expedient to make provision, in aid of the parochial expenditure, by an additional duty on exports: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Additional duties to be paid on articles in schedule.

First—In addition to the duties already imposed, there shall be raised, levied, and paid to her majesty, for the support of this island, but to be applied in aid of the expenditure of the several parishes, upon the several articles exported from this island, and enumerated in the schedule A, hereunto annexed, the several duties therein respectively set forth, on, from, and after the first day of January, in the year one thousand eight hundred and sixty, and until the thirty-first day of March, one thousand eight hundred and sixty-one.

Second —

Second—Such duties shall be levied, recovered, and received by her majesty's officers of customs, under the like regulations and powers, and subject to the like penalties, and with like protection, and shall be paid over to the receiver-general at the same times, and in the same manner as other duties of customs, collected under acts of this island, imposing duties of customs.

How leviable.

Third—Separate and distinct accounts, of the moneys received and paid over under this act, shall be kept by the collector and controller of her majesty's customs, at the port of Kingston, and by the receiver-general.

Accounts of same to be kept.

Fourth—If any duties shall be collected and paid over as aforesaid, beyond what may be required to be appropriated, as hereinbefore mentioned, the residue of such duties shall be paid and applied to the use of the public of this island.

Residue of duties appropriated.

Fifth—For the purposes of this act, every three tierces of sugar exported, shall be taken to be equivalent to two hogsheads ; and every eight barrels to one hogshead ; and every package of sugar, exported from this island, not being a hogshead, tierce, or barrel, shall be charged with the duty on sugar imposed by this act, in the proportion which such package shall bear to the hogshead of seventeen hundred weight; and every two hogsheads of rum shall be taken to be equivalent to one puncheon ; and every quarter cask or package of rum, exported from this island, not being a puncheon or hogshead, shall be charged with the duty on rum, imposed by this act, in the proportion which such quarter cask or other package shall bear to the puncheon of ninety gallons ; and all coffee, exported from this island in packages, other than tierces, shall be charged with the duty imposed by this act, in the proportion of seven hundred weight to one tierce.

Certain packages to be charged in proportion to hogshead of 17 cwt. puncheon of 90 gallons, and tierce of 7 cwt.

Sixth—Every package of sugar, exported from this island, not being a hogshead, tierce, or barrel, shall be charged with the export duty on sugar, leviable under the fifteenth Victoria, chapter thirty-nine, in the proportion which such package shall bear to the hogshead of seventeen hundred weight.

Certain packages of sugar charged with duty, under 15th Vic. cap. 39.

SCHEDULE A.

	£.	s.	d.
Every hogshead of sugar exported	0	8	0
Every puncheon of rum exported	0	2	6
Every tierce coffee exported	0	4	0
B			Pimento,

	£.	s.	d.
Pimento, per bag of one hundred and twenty pounds, or on every one hundred and twenty pounds	0	0	6
Logwood, and other dyewoods, lignumvitæ, ebony, and cocus wood, at the rate of, per ton	0	1	0
Ginger, at the rate of, per cwt.	0	1	0
Bees wax, at the rate of, per cwt.	0	2	0
Arrowroot, at the rate of, per cwt.	0	1	0
Cocoanuts, at the rate of, per one thousand	0	1	0
Honey, at the rate of, per cwt.	0	1	0
Mahogany, at the rate of, per M. feet, superficial measure	0	5	0

C A P. XXVII.

An act to provide for the imposition and payment of duties on stills, and for other purposes.

Preamble.

WHEREAS it is necessary that a further supply should be raised for the government of this island: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is enacted by the authority of the same, as follows; that it is to say—*

No person to distil spirits without a license.

*First—*On, from, and after the tenth day of March now next, no person, whether owner, tenant, overseer, or manager, or in charge of any place whereon or wherein spirit is distilled, shall, either himself, or by any one on his behalf, or under his direction, or with his privity, distil any spirit, either by preparing wash for fermentation, or by the distillation of fermented wash, or have, or keep, or use, any still whatever for the purpose of making, or distilling, or rectifying, or compounding spirits, without having first obtained a license for that purpose, under the provisions of this act, and according to the form hereunto annexed, and marked "A;" and every person as aforesaid keeping, or having for use, or using, any still, or preparing wash for fermentation, or distilling fermented wash contrary hereto, shall forfeit a sum not exceeding fifty pounds.

Persons in partnership not obliged to take out more than one license for one place.

*Second—*Persons in partnership, distilling spirits in one house or place only, shall not be obliged to take out more than one such license in any one year; and no one license, which shall be granted by virtue of this act, shall authorize or empower any person or persons, to whom the same shall be granted, to have, keep, or make use of any still, or to prepare, or make any wash, or to distill any wash, low wines, or spirits, or rectify, or compound any spirits in any other house or premises than the house or premises mentioned in such license.

Third—

Third—The executive committee shall, on or before the first day of March, determine upon, and communicate to the clerk of the peace of each parish or precinct in this island, the distinguishing letter of his parish for the year; and the letter, so determined upon, and communicated, shall be the distinguishing letter of the parish for the year, and shall be inserted in each license, to be granted under this act, for the year, and for the parish accordingly.

Executive committee to determine and communicate distinguishing letter for each parish for the year.

Fourth—The collector of dues shall, on or before the first day of February in each year, give notice, in the form hereunto annexed, marked "B," of the obligation to take out the license required by this act, by publishing, and keeping exposed, and, if necessary, renewing copies of such notice on the doors of the court-houses, markets, and any other conspicuous places of public resort, throughout his parish, until the tenth day of March, one thousand eight hundred and sixty-one, and the expense of such notices shall be paid by the receiver-general, on the warrant of the governor.

Collector of dues to give notice of the obligation to take out license.

Fifth—A note of application for every such license shall be made, in writing, to the collector of dues for the parish in which the applicant intends to distil spirits, or the place of intended distillation shall be situate; and every such applicant shall, on or before the tenth day of March, pay to the collector of dues of such parish, the sum of three pounds for each license; and the receipt of the collector of dues of such parish for the said sum of three pounds, shall be sufficient authority to the clerk of the peace to make out and grant such license accordingly.

Applications for licenses to be made in writing, and the sum of £3 paid to the collector of dues for each license.

Sixth—If any person shall, after the tenth day of March, desire to begin to distil any spirit, or have, or keep, or use, any still whatever for the purpose of making, or distilling, or rectifying, or compounding spirits, he shall obtain a license for such purpose, agreeably to the provisions of this act, according to the like form, and under the like penalty, as is by this act required and imposed in every other case; but there shall be paid for every license, to be obtained after the said tenth day of March, the full amount fixed by this act to be paid therefor; and the receipt of the collector of dues for the parish, for such amount, shall be the authority for granting such license.

Any person desiring to distil spirits after 10th March must obtain a license, and pay the full amount fixed by this act.

Seventh—Every license to distil, granted under this act, shall continue in force from the date thereof until the ninth day of March, one thousand eight hundred and sixty-one.

License to continue in force until 9th March, 1861.

Eighth—The moneys to be received by the collector of dues of every parish, for such licenses, less a commission at the rate of two pounds ten shillings for every one hundred pounds, shall,

Collectors of dues to remit moneys received by them to the receiver-general, within 14 days.

B 2

within

within fourteen days after every receipt, be paid over to the receiver-general, under a penalty of ten pounds for every neglect or default; and such moneys shall be held by the receiver-general, to be applied to the contingent charges of the government of this island.

Clerks of peace to keep a register of all persons to whom licenses have been granted, and transmit their names to receiver-general.

Ninth—The clerk of the peace shall keep a list or register of the names of all persons to whom, and places in respect of which, such licenses shall be granted, with the letter and number of each license, and shall be entitled to be paid and receive a fee of one shilling for making out every such license, and registering the same; and the clerk of the peace is hereby required to transmit to the receiver-general, on the first day of each month, or within five days after, a list of the number of licenses, together with the names of the persons and places to whom and for which the same shall have been granted, during the preceding month, under a penalty of five pounds for every omission.

Where more than 2500 gallons of rum are made, the excess to pay duty quarterly at the rate of 2s. for every 100 gallons.

Tenth—Whenever it shall appear to the receiver-general, by the returns made to him under the "Rum Duty Collection Act, 1858," twenty-second Victoria, chapter thirteen, of the quantity of spirits made by any person to whom, or on any place for which a license has been given under this act, that at any time, during the year one thousand eight hundred and sixty, a larger quantity of spirits has been distilled than two thousand five hundred gallons, he shall, at the end of the quarter in which an excess shall, for the first time appear, call upon the owner, tenant, overseer, manager, or person for the time being in charge, to pay the sum of two shillings as an additional license duty for every one hundred gallons of spirits so distilled over and above such quantity of two thousand five hundred gallons, and for any fractional part of any such additional quantity of one hundred gallons; and also, at the end of such subsequent quarter, call upon him to pay the sum of two shillings for every one hundred gallons, or any fractional part thereof, distilled in any such quarter; and the person, so called upon, shall thereupon forthwith pay to the receiver-general the sum of two shillings for every such additional one hundred gallons, and any fractional part thereof; and, in default of such immediate payment, the said receiver-general shall proceed for the recovery of the said sum, or several sums, and costs of proceeding against such person, under the provisions of any act now or hereafter to be in force for the recovery of petty debts, or by distress, under warrant of any justice of the peace; which warrant, it shall be the duty of any justice of the peace to sign and issue, on application of the receiver-general, or of any person authorized, by writing under the hand of the receiver-general, on any goods and chattels whereon a landlord might distrain, found on or in the place of distillation

mode of recovering such duty.

tillation ; and in such proceeding or distress the certificate of the receiver-general, that the returns of the quantity of spirits made during the quarter or quarters of a year, shew that a larger quantity than the maximum quantity for which his license was granted has been distilled, shall be evidence against the person proceeded against, and shall be sufficient to ground any warrant of distress against any goods and chattels on, or in the place of distillation as aforesaid ; and the sums, so recovered, after payment of any expenses, shall be carried by the receiver-general to the credit of the public of this island, as part of the general revenue thereof.

Eleventh—It shall be lawful for the executive committee to relieve any person from taking out a license for keeping any still for the purpose of making experiments in distillation, where such still shall not be of greater capacity than forty gallons.

The executive committee may relieve persons from taking out license for stills of 40 gallons, and under.

Twelfth—Every still, for which a distilling license has not been taken out, shall be registered in the office of the clerk of the peace in the parish on or before the first day of April, under a penalty of ten pounds for every omission, to be recovered against the owner, tenant, overseer, manager, or other person in charge of such still ; and, for such registration, the clerk of the peace shall be entitled to a fee of one shilling, on giving a certificate of such registration.

Every still, for which a license has not been taken out, must be registered.

Thirteenth—It shall be lawful for the executive committee to refund any amount of license duty, under any circumstances, which may appear to them to warrant their doing so.

Executive committee may refund license duty.

Fourteenth—Any person who shall first give information to lead to the conviction of any other person for working, or having a still, contrary to the provisions of this act, shall be entitled to receive a reward of five pounds, which shall be paid to him on the warrant of the governor, with the advice of the executive committee, when satisfied of such information having been given by him.

Persons first giving information of the working of a still without license to be rewarded.

Fifteenth—There shall be raised, levied, collected, and paid, in like manner, and by the like powers, and under the like penalties as the duties imposed by the act of the twenty-second Victoria, chapter fifteen, for granting a revenue to her majesty, by duties upon rum, and other spirits distilled in this island, and shall be applied towards the contingent charges and expenses of the government of this island, a duty of nine pence upon every imperial gallon of cordials, liqueurs, or other compounds distilled or made on any place within this island, and intended to be, or actually sold, bartered, or given away, and consumed in this island, and of which, spirits distilled in this island, shall form a component part ; but no duty shall be chargeable on any such cordials, liqueurs, or other compounds, if it

Cordials made from spirits which have not paid duty, liable to a duty of 9d. per gallon.

it shall be shewn, to the satisfaction of the executive committee, that the duties imposed by the lastly recited act have been paid on the spirits used in distilling or making the cordial, liqueur, or compound, for which exemption shall be sought.

How penalties may be recovered.

Sixteenth—Every penalty imposed by this act shall be recovered in a summary manner before any two of her majesty's justices of the peace in the parish or precinct where the offence was committed; and, in default of payment, the justices shall have power to commit every offender to the nearest prison, there to remain without bail or mainprize for any period not exceeding three calendar months, or until he shall have sooner paid the same.

Rum may be sold in premises on an estate, under certain circumstances.

Seventeenth—Notwithstanding the repeal, by the seventy-fourth section of the "Rum Duty Collection Act, 1858," twenty-second Victoria, chapter thirteen, of the first section of the eighteenth Victoria, chapter fifty-five, and the revival of the last proviso to the eighth section of the eighteenth Victoria, chapter twenty-six, nothing shall prevent any person other than the proprietor or lessee, or person in charge of any estate, or his agent, from selling rum or other spirits by retail, on any part of the land on any such estate, which may be leased or tenanted by such other person: *Provided*, That he shall not be the partner, agent, or servant of the proprietor, lessee, or person in charge of the estate, and that he be duly licensed as a retailer of spirits, according to law.

Proviso.

How penalties are to be appropriated.

Eighteenth—All penalties recovered under this act shall be paid over to the receiver-general, to be by him carried, where not otherwise appropriated, to the credit of the revenue of this island.

Duration of act.

Nineteenth—That this act shall commence and be in operation from the tenth day of March next, until the thirty-first day of March, one thousand eight hundred and sixty-one.

SCHEDULES OF FORMS.

"A."

FORM OF LICENSE TO DISTIL.

JAMAICA, ss.

To wit. }

A. (1)

These are to license and permit a still, or stills, to be kept, and run [rum], or other spirits, not exceeding two thousand five hundred gallons, to be distilled at (2)

in

in the county of _____ *and island aforesaid, by*
A. B. of, &c. (or on behalf of _____
as the case may be) (3), from the (3) day of
(4) to the ninth day of March, one thousand
eight hundred and sixty (4) *clerk of the peace of the*
parish of _____

(1) The license must be here marked with the distinguishing letter of the parish, as fixed by the executive committee.

(2) Place where distillery to be kept, and name of person to whom license granted, or when place in charge of overseer, or other person, not being owner or tenant, then name of place, and name of owner, or tenant, on whose behalf license granted.

(3) Date from which license to commence.

(4) Signature of clerk of the peace.

Note.—All dates must be written in words at length.

FORM OF RECEIPT.

I hereby certify, That A. B. of, &c. _____ *has duly*
paid to me, this day of _____ *18 the sum of*
£ being the amount payable under
the act of twenty-third Victoria, chapter for a license
to distil spirits, not exceeding two thousand five hundred gal-
lons, at in the parish of
from the day of to the ninth day of March, one
thousand eight hundred and sixty-one.

C. D.

collector of dues for the parish of _____

B.

NOTICE TO TAKE OUT LICENSES FOR STILLs.

Parish

1860.

Notice is hereby Given, That every person, whether owner, tenant, overseer, manager, or otherwise, in possession or charge of any still, for which a license should be obtained under the act of (here set out title of this act,) is required, on or before the tenth day of March now next, to take out such license, agreeably to the provisions of such act, or, in default thereof, any such person will be liable to the penalty of fifty-pounds: And every person, as aforesaid, who shall, after such tenth day of March, begin to have possession or charge of

of any still, for which a license is required to be obtained under the same act, is required to take out such license, according to the provisions of the said act, under a penalty of fifty-pounds.

Given under my hand, this day of 186
C. D.

collector of dues for the parish of

C A P. XXVIII.

An act to continue in force, for a limited period, "The Stamp Duty Act, 1855," (eighteenth Victoria, chapter twenty-seven), and the twenty-first Victoria, chapter thirty-eight, and the several other acts relating to the imposition of stamps.

BE it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:

"The Stamp Duty Act, 1855," the 21st Vic. cap. 38, &c. continued in force till 31st March, 1861.

That "The Stamp Duty Act, 1855," eighteenth Victoria, chapter twenty-seven, the twenty-first Victoria, chapter thirty-eight, and the several other acts passed, relating to "The Stamp Duty Act, 1855," and all other acts subsequently passed, and relating to the imposition of stamp duties, and which are about to expire on the thirty-first day of March, one thousand eight hundred and sixty, shall be, and are hereby continued, and shall remain in force up to, and until the thirty-first day of March, in the year one thousand eight hundred and sixty-one.

C. A P. XXXIX.

An act for granting to her majesty certain sums of money, required for defraying certain expenses of the civil government, and certain other expenses connected with the public service, for the year one thousand eight hundred and sixty.

Preamble.

WE, your majesty's dutiful and loyal subjects, the assembly of Jamaica, towards making good the supply which we have granted to your majesty, in this session, have resolved to grant unto

unto your majesty the sums hereinafter mentioned, which are required to defray certain expenses of the civil government of this island, not otherwise provided for by law, and for other purposes, for the year one thousand eight hundred and sixty; and do therefore, most humbly beseech your majesty, that it may be enacted: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

First—The receiver-general of this island do, on the warrant of the governor, from and out of any unappropriated moneys in his hands, pay and apply a sum not exceeding nineteen thousand three hundred and sixty-four pounds twelve shillings, for defraying the several charges and expenses of the civil government of this island, and other purposes, for the year one thousand eight hundred and sixty, set forth in the schedule to this act.

Receiver-general to pay, on warrant of governor, £19,364 12s. 0d. for certain purposes in the schedule to this act.

Second—A detailed account of the monies expended under the authority of this act shall be laid before the assembly of this island, during the first fifteen days of the session of the legislature next after such expenditure.

A detailed account of expenditure to be laid before the assembly.

SCHEDULE.

Sums granted to her majesty by this act, and the purposes for which they are granted.

	£.	s.	d.
For additional grant for clerks, and contingencies of treasury and audit offices, and parochial department, the sum of - - -	300	0	0
For the services of a clerk in the stamp office, the sum of - - -	150	0	0
For paying to John James Vidal, registrar of the diocese, for recording returns of parochial registers of baptisms, marriages, and burials, and for other services, the sum of -	160	0	0
For paying the committee of the Roman Catholics of the county of Cornwall, and leeward portion of the county of Middlesex, or any two of them, towards affording religious instruction to the Roman Catholics, for the year one thousand eight hundred and fifty-nine, the sum of -	100	0	0
C			For

£. s. d.

For paying to the elders and members of the church of Scotland, as by law established, or any three of them, in aid of that institution, for the year one thousand eight hundred and fifty-nine, the sum of	-	-	367	10	0
For payment of services performed by the crier of the supreme court, the sum of	-	-	20	0	0
For paying to Alexander Wells Aikman, solicitor to the crown, for law business performed, the sum of	-	-	272	4	7
For paying to the executive committee, on account of John Augustus Sullivan, esquire, provost-marshal-general, for warning jurors for the several courts of assize for the year one thousand eight hundred and fifty-nine, and for other services, the sum of	-	-	148	0	0
For paying to the executive committee, on account of John Augustus Sullivan, esquire, provost-marshal-general, for fees in the county of Surrey, on releasements and commitments of prisoners and debtors, and taking insolvent debtors to be bailed, to thirtieth September, one thousand eight hundred and fifty-nine, the sum of	-	-	68	6	0
For paying to the executive committee, on account of John Augustus Sullivan, esquire, provost-marshal-general, for fees in the county of Middlesex, on releasements and commitments of prisoners and debtors, and taking insolvent debtors to be bailed, to thirtieth September, one thousand eight hundred and fifty-nine, the sum of	-	-	65	16	0
For paying to the executive committee, on account of John Augustus Sullivan, esquire, provost-marshal-general, for fees in the county of Cornwall, on releasements and commitments of prisoners and debtors, and taking insolvent debtors to be bailed, to thirtieth September, one thousand eight hundred and fifty-nine, the sum of	-	-	41	8	0
For the contingencies of the legislative council of this island, the sum of	-	-	300	0	0
					For

	£.	s.	d.
For the services of James Philip Clarke, as one of the committee clerks, for the year one thousand eight hundred and sixty, the sum of	240	0	0
For the services of James Gayleard, as one of the committee clerks, for the year one thousand eight hundred and sixty, the sum of	240	0	0
For the services of William George MacFarlane, as one of the committee clerks, for the year one thousand eight hundred and sixty, the sum of	240	0	0
For the clerk of the assembly, towards reimbursing himself the expense of clerks, during the session, the sum of	180	0	0
For the clerk of the assembly, towards reimbursing himself the expense of stationery, the present session, and the amount paid by him for postages during the present year, the sum	100	0	0
For paying quarterly to Alexander Deleon, for salary as messenger to the house, for his care of the public buildings, and the upper part of the new buildings; also for his care of the robes, and mace, and furniture in the new buildings, and hire of servants to attend the house for the year one thousand eight hundred and sixty, the sum of	260	0	0
For paying to Samuel Webly, as doorkeeper to the house, by quarterly payments, in advance, for the year one thousand eight hundred and sixty, the sum of	35	0	0
For paying to Alexander Deleon, junior, for his attendance on the members of the house this session, the sum of	30	0	0
For paying to William Deleon, for his attendance on the members of the house this session, the sum of	30	0	0
For paying to Charles Deleon, for his attendance on the members of the house this session, the sum of	15	0	0
C 2			For

£. s. d.

For paying to William Halliday, for his attendance on the members of the house this session, the sum of	-	-	-	15	0	0
For paying to Alexander Deleon, the elder, for candles, ice, and oil, and lighting up the assembly rooms, during the present session, the sum of				100	0	0
For paying to James MacPherson, for keeping in repair the assembly clock for one year ending thirty-first October, one thousand eight hundred and fifty-nine, the sum of			-	15	0	0
For salary to a clerk to the executive committee, the sum of	-	-	-	150	0	0
For paying amount of printing, not under contract, the sum of	-	-	-	150	0	0
For liquidating insolvents' deposits, likely to be called for, the sum of	-	-	-	1200	0	0
For paying the following charities, <i>videlicet</i> :						
Merrick's	-	£72	0	0		
Presbyterian institution		181	0	0		
Smith's charity	-	108	0	0	361	0
For paying the interest on Woolmer's fund (£2400,) the sum of	-	-	-	144	0	0
For paying to Isabella M'Ghie, upon the terms and conditions required by the eightieth clause of the fiftieth George third, chapter seventeen, passed to regulate the militia, upon a certificate being produced, signed by the rector, churchwardens, and members of the parish, or any two of them, that she is alive, the sum of				33	12	0
For paying to Judith Palmer, upon the terms and conditions required by the eightieth clause of the fiftieth George third, chapter seventeen, passed to regulate the militia, upon a certificate being produced, signed by the rector, churchwardens, and members of the parish, or any two of them, that she is alive, the sum of				33	12	0
For paying to James Popkin, late a policeman, by						

quarterly

quarterly

	£.	s.	d.
quarterly payments, provided his receipt shall be accompanied by a medical certificate that he continues blind, and is incapable of earning his support, which certificate is to be endorsed by the rector and churchwardens of the parish, the sum of	24	0	0
For paying to Ann Lumsey, in consequence of the injury she sustained by a gunshot wound, which she received in December, one thousand eight hundred and forty-one, at the riot in Kingston that month, while in the performance of her peaceable avocations, and that such sum be paid annually, on its being certified by the rector and churchwardens that she is alive, the sum of	8	0	0
For paying to Millicent Evans, in consideration of her destitute situation, occasioned by the death of her husband, late sergeant of police, who was killed by a stone by some person or persons unknown, whilst in the execution of his duty, the sum of	8	0	0
For paying to the honorable Walter George Stewart, island secretary, being the balance due him for furnishing the contractor for printing the laws with copies of the same, as they severally passed the legislature of this island, and for other purposes, the sum of	132	2	6
For paying the salary of the island storekeeper, the sum of	144	0	0
For the pay of the non-commissioned officers and gunners employed in cleaning and repairing the island arms, the sum of	50	0	0
For supporting the Milk-River Bath, in addition to the sum granted by law, the sum of	144	0	0
For supporting the Bath of Saint Thomas the Apostle, the sum of	144	0	0
For paying the salary of the island botanist, the sum of	300	0	0

For

CAP. 39. ANNUAL LAWS OF JAMAICA.

A. D. 1859.

	£.	s.	d.
For the rent of a piece of land belonging to the Titchfield trust, the sum of -	9	0	0
In aid of the Royal Society of Arts, in this island, for the present year, the sum of -	150	0	0
In aid of the Agricultural Society prizes, in this island, the sum of -	150	0	0
For paying to William Thomas March, Francis Robertson Lynch, Charles Hamilton Jackson, Edward Vickars, and Alexander Heslop, esquires, to be by them expended in putting the garden in front of the public buildings in order, and for keeping up the same for the year one thousand eight hundred and sixty, the sum of -	50	0	0
For the purpose of defraying the personal and travelling expenses of a geologist and mineralogist, to be employed by her majesty's government for the geological survey of the island, the sum of -	900	0	0
For paying to James Taylor, esquire, member of assembly for Port-Royal, for acting as chairman of committees of the house of assembly, and for examining bills ordered by the house to be engrossed, the sum of -	200	0	0
For paying to Henry Castille, in consideration of injuries received in the prosecution of the works on the Kingston and Annotto Bay junction road, the sum of -	12	0	0
For paying to the executive committee, to be by them paid to Abraham Judah, and Augustus Constantine Sinclair, for compiling and publishing the debates in the assembly, during the present session, provided the publication of such work be made within four months after the prorogation, the sum of -	100	0	0
For paying to the ministers of the Roman Catholics, or any two of them, towards the repairs of the catholic chapel, in Kingston, the sum of -	250	0	0
For paying to the Wesleyan ministers, or any two			of

	£.	s.	d.
of them, towards the repairs of the chapel and school room, called Unity, in the Grateful-Hill circuit, in the parish of Saint Thomas in the Vale, the sum of - -	60	0	0
For paying to the Wesleyan ministers, or any two of them, towards the completion of the chapel and vestry belonging to the Wesleyan Methodist Society at Ocho Rios, in the parish of Saint Ann, the sum of - -	60	0	0
For paying to Willian Nelson Lewis, late inspector of police, in consideration of sixteen years' service, broken health, almost total blindness, and destitution of circumstances, the sum of	60	0	0
For the library committee, for the purchase of book cases for the library, the sum of -	70	0	0
For the services of additional clerks to the executive committee, for the next current year, by quarterly payments, the sum of - -	200	0	0
For repairs and alterations to the new lunatic asylum, in the city of Kingston, the sum of	2500	0	0
To the order of the commissioners of highways and bridges for the parish of Saint Mary, towards the laying out of new roads in the said parish, the sum of - - -	44	17	5
For the removal and introduction of plants in the new botanic garden, the sum of -	200	0	0
For paying to the order of the commissioners of highways and bridges for the parish of Saint John, towards the repairs of the Gunabo road, in the said parish, the sum of -	100	0	0
For paying to James DaSilva, and George Barton, being the balance due them on their contract for repairs to the parochial hospital of the city of Kingston, and converting same into a poor-house for indoor reliefs, the sum of -	148	0	0
For paying to J. H. DeWalden, for fees as architect and surveyor of the repairs to the parochial hospital, in the city of Kingston, the sum of	15	0	0
		For	

CAP. 39. ANNUAL LAWS OF JAMAICA. A. D. 1859.

	£.	s.	d.
For paying to A. H. Shaw, inspector of police, in consideration of the enlargement of his district, the sum of -	20	0	0
For paying to Alexander Nairn, inspector of police, in consideration of the enlargement of his district, the sum of -	50	0	0
For the library committee, for the purchase of books, and other contingencies of the library, for the year one thousand eight hundred and sixty, the sum of -	150	0	0
For educational purposes, the sum of -	3000	0	0
For keeping the public buildings in order, for the year one thousand eight hundred and sixty, the sum of -	1500	0	0
For paying to the honorable Walter George Stewart, island secretary, for books procured for the transcribing of certain records, the sum of	40	0	0
For further survey of line of road from Ulster Spring and Freemason's Hall estates, in the parish of Trelawny, to Oxford estate, in the parish of Manchester, or to St. Elizabeth's, the sum of	120	0	0
For defraying expense of forwarding contract copies of laws, and journals of legislative council, and votes of assembly to members of the legislature, and other parties entitled to them, the sum of -	30	0	0
For paying to Edward Lucas, esquire, as treasurer to the Annotto Bay junction road board, the sum of -	52	0	0
For repairs of the undermentioned bridges in the parish of Saint James, <i>videlicet</i> :			
Williamsfield bridge	£180	0	0
Latium bridge	150	0	0
Leyden bridge	120	0	0
		450	0 0
For paying to the honorable Walter George Stewart, island secretary, to meet the amount required			for

	£.	s.	d.
for transcribing, examining, and counting such records as may be recommended to be transcribed, the sum of -	318	1	6
For paying to William M'Anuff, late road surveyor of the Ferry road trust, for compensation consequent upon the passing of the Main Road Act, the sum of -	180	0	0
For paying to William N. Greensword, late clerk to the trustees of the Ferry road trust, for compensation consequent upon the passing of the Main Road Act, the sum of -	105	0	0
For paying to William Rodon, late surveyor and engineer of the River Road trust, for compensation consequent upon the passing of the Main Road Act, the sum of -	300	0	0
For paying to Edward B. Lynch, late clerk to the River Road trust, for compensation consequent upon the passing of the Main Road Act, the sum of -	24	0	0
For paying to William M. Dunn, late road overseer to the Mammee Bridge turnpike trust, for compensation consequent upon the passing of the Main Road Act, the sum of -	150	0	0
For paying to Matthew M. Mattos, late clerk to the Mammee Bridge turnpike trust, for compensation consequent upon the passing of the Main Road Act, the sum of -	45	0	0
For paying to David J. Soares, late clerk to the Old Harbour turnpike road, for compensation consequent upon the passing of the Main Road Act, the sum of -	50	0	0
For paying to Richard Cowan, late road surveyor of the Old-Harbour turnpike road, for compensation consequent upon the passing of the Main Road Act, the sum of -	120	0	0
For placing at the disposal of the executive committee, for providing for the transcribing of an Index of Saint Catherine's baptisms, and for re-			
D			binding

CAP. 39. ANNUAL LAWS OF JAMAICA. A. D. 1859.

	£.	s.	d.
binding five books of records in the bishop's registrar's office, the sum of -	50	0	0
In aid of the Metcalfe Dispensary, the sum of	100	0	0
For paying to the honorable W. G. Stewart, to meet advances for transcripts during the current financial year, the sum of -	100	0	0
For paying to the executive committee, to meet extra expense of lighting the house of assembly, the sum of -	20	0	0
For paying to Robert Bogle, for fees as public interpreter, the sum of -	2	0	0
To the treasurer of Lady Barkly's nurse training institution, to be expended in the training of nurses, the sum of -	500	0	0

The receiver general is hereby authorized to pay the stamp duty on the bill to amend "*An act, entitled 'An act to establish and incorporate the Jamaica Slip Dock Company,' passed twenty-second Victoria, chapter thirty-eight, to extend the time of commencing and completing the undertaking, and for transferring the company,*" recommended by the report on the petition of the provisional directors of the Slip Dock Company.

That the queen's purse of one hundred and five pounds provided, which was to have been run for over the Spanish-Town race course on the third Tuesday of November, one thousand eight hundred and fifty-nine, be transferred from such race course to the Vere race course, to be there run for on the first Tuesday of August, one thousand eight hundred and sixty, subject to the like rules, regulations, and provisions, terms, or conditions, as are limited and expressed in respect to queen's purses, in the sixth section of the twentieth Victoria, chapter ten.

For paying to Charles James Mowatt, late secretary to the Kingston and Annotto Bay junction road trust, as compensation consequent upon the passing of the Main Road Act, the sum of - 90 0 0

£19,364 12 0

THE
LAWS OF JAMAICA.

ANNO REGNI VICESIMO QUARTO VICTORIÆ.

C A P. I.

An act for taking a census of the inhabitants of this island.

WHEREAS it is desirable to obtain an accurate account of the number of the inhabitants of this island: *And whereas* her majesty's government have authorized the governor of this island to defray the expense of such census out of the perpetual annuity of six thousand four hundred pounds, made payable to her majesty's government by the act, passed by the legislature of this island, twenty-third Victoria, chapter twenty-six, and now awaiting the assent of her majesty: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

DAY ON WHICH CENSUS SHALL BE TAKEN.

First—On Monday, the sixth day of May, one thousand eight hundred and sixty-one, the enumerators, to be appointed under this act, shall proceed to take an account of the number of persons in each parish, who abode in every house, in every such parish, on the

D

night

Enumerators to take an account on Monday, 6th May, 1861, of the number of persons in each parish, according to schedule A.

night of Sunday, the fifth day of May, in the said year one thousand eight hundred and sixty-one, and also whether any were blind, or deaf and dumb, crippled, or insane, or affected with yaws, or leprosy, with particulars of the name, sex, age, rank, or profession, or occupation, education, condition, relation to head of family, color, and country of every such person, with the number of houses, and other particulars relating thereto, mentioned in the form in schedule A, to this act annexed.

DIVISION OF PARISHES INTO DISTRICTS, AND APPOINTMENT AND DUTIES OF ENUMERATORS.

Justices and vestry to divide parish into districts on or before 1st March.

Second—The justices and vestry of each parish shall, on or before the first day of March next, divide the parish into as many districts as they shall consider necessary, so as to allow one person to visit every house, and enumerate its inhabitants, within the compass of one day.

Clerk of vestry to inform executive committee of number of districts into which parish has been divided.

Third—The clerk of the vestry for each parish shall, upon the division aforesaid being made, inform the secretary of the executive committee of the number of districts into which his parish has been divided.

Vestry may appoint one enumerator to each district, who must be intelligent, &c. and recommended by a minister of religion, &c.

Fourth—It shall be lawful for the justices and vestry of each parish to appoint one person to be an enumerator in each district in such parish, who must be intelligent and active, able to read and write well, and have some knowledge of arithmetic, temperate, orderly, and respectable, well acquainted with the district in which he will be required to act, and recommended by some minister of religion, or other respectable householder of the parish, to take the account of the numbers of persons in such district, and obtain the other particulars required by this act; and who shall also be considered by the justices and vestry to understand the manner in which the duties required of him are to be performed.

Vestry may avail itself of gratuitous services of persons offering to be enumerators, and communicate appointment of such to executive committee.

Fifth—It shall be lawful for the justices and vestry of any parish to avail themselves of the gratuitous services of, and accordingly to appoint any competent persons offering themselves to act as enumerators under this act, all which appointments shall be communicated to the executive committee; and every person, so appointed, shall be vested with, and exercise the like authority and powers, and be charged with, the like duties and liabilities as any other enumerator to be appointed under this act.

Governor may direct vestry to make new division of districts.

Sixth—In case the sum appropriable to the purposes of this act shall not suffice for the remuneration of a number of enumerators, equal to the number of districts proposed by the several justices and vestry, it shall be lawful for the governor, with the advice of the

the executive committee, to direct the justices and vestry to reconsider and to make such new division or arrangement of districts, and appointment of enumerators for the several parishes, or any parishes or parish, as will bring the expenditure within the amount appropriable as aforesaid, due regard being had to the extent, population, and other circumstances of the respective parishes; and thereupon any such last-mentioned division, or arrangement of districts, and appointment of enumerators, shall be taken and acted upon as the division of districts, and appointment of enumerators required by this act for or in respect of the parishes or parish for which the same shall be made respectively.

Seventh—If any person, appointed an enumerator, is likely to be incapacitated, or shall be incapacitated from any cause from entering upon, or performing his duties as such enumerator, he shall immediately give intimation of such his probable or actual inability to the clerk of the vestry for the parish, who shall thereupon appoint some other competent person in the place of the person who is likely to be, or is so incapacitated, to perform the duties of enumerator for the district to which such first-named person was appointed by the vestry.

Provision, in case an enumerator is incapacitated from entering upon, or performing his duties.

OF ENUMERATORS.

Eighth—Every person, appointed an enumerator as aforesaid, shall, and is hereby required, in the course of the week ending on, and previously to Saturday, the fourth day of May, one thousand eight hundred and sixty-one, to leave at every dwelling-house, in every city, or town, village and settlement, and on every property within his district, the occupier or occupiers, or person or persons in charge of which shall be willing to receive and fill up the same, in the manner required by this act, one or more of the forms [No. 1 or 2, as the case may be], mentioned in schedule B, to this act annexed: And where any dwelling-house is occupied in different stories, or apartments, distinctly, by different persons, or families, such respective form or forms shall be delivered to, or left for the occupier of each such distinct story, or apartment; and every enumerator shall, and is required to proceed on Monday, the sixth day of May, one thousand eight hundred and sixty-one, to visit every house in the district to which he has been appointed; to enter upon any property, and into every house, and to ask for, and obtain from the inmates thereof, the forms aforesaid, filled up, and shall complete such of the forms as, upon redelivery thereof to him, shall appear to be defective, and correct such as he shall find to be erroneous, which forms he shall carefully keep; and also if, and whenever it shall be necessary, otherwise to ask for and require an account of the number of persons who slept in every such house on the previous night, and to ask for and require all other information

Enumerators must leave certain forms at each dwelling-house, story, or apartment of a house, on or previous to 4th May, 1861, and proceed to visit each house on 6th May, procure forms, and take an account of the number of persons who slept in the same on the previous night, with other particulars.

tion required by this act; which account, and information, he shall then and there write in the form No. 3 in schedule B, to this act annexed; and he shall, at the same time, if practicable, and, if not, on the following, or some other early day, ascertain the number and description of houses, and the other particulars relating thereto, mentioned in schedule A, to this act annexed; all which said several accounts and forms hereinbefore mentioned, he shall complete, correct, and deliver, to the clerk of the vestry, within ten days of the said sixth day of May.

They must complete their account on the 6th May, but may continue visits for further information or explanation.

Ninth—It shall be the duty of each enumerator to complete his account of the number of inhabitants in the district to which he has been appointed, on the said Monday, the sixth day of May, one thousand eight hundred and sixty-one, if practicable, but should he be prevented from doing so, he shall continue his visits on the following day, and from day to day, until he has gone through and visited the whole of his district, and obtained the most accurate account possible of the number of persons who slept in the same on the night of the said fifth day of May, certifying, in his return, the cause which prevented his completing the same on the said sixth day of May, and he may repeat his visits to, and entries into and upon any house, or property, in his district, as often as may be necessary, within one week next after the said sixth day of May, for the purpose of obtaining from any inmate of any such house, or resident on any such property, any further information or explanation necessary to enable him to correct the account taken by him as aforesaid, which said last-mentioned accounts and forms he shall complete, correct, and deliver to the clerk of the vestry within the period of ten days from the said sixth day of May.

Make declaration before a justice that forms, &c. have been truly filled up, and collected,

Tenth—Each enumerator shall sign a declaration, to be taken before any justice of the peace, to the effect that all the forms, or schedules, accounts, and other particulars, as by this act directed, have been truly and faithfully filled up and collected, and that, to the best of his knowledge, the same are correct, so far as may be known.

and attend clerks of vestries, whenever required, to explain returns, &c.

Eleventh—Each enumerator shall attend the clerk of the vestry of his parish whenever required by him to do so, for the purpose of explaining any entry in any return, accounts, or forms collected and delivered by him to the clerk of the vestry, and shall afford any information which it may be necessary that the clerk of the vestry should be furnished with, for preparing the return by this act required to be made by the last-mentioned officer.

AS

AS TO THE INMATES OF THE PENITENTIARY—PRISONS—HOSPITALS, OR ASYLUMS—AND OTHER PUBLIC OR CHARITABLE INSTITUTIONS.

Twelfth—The superintendant of the penitentiary, and of each district and other prison, the gaoler of each county gaol, the police sergeant in charge of each lock-up, the inspector and director of the public hospital and lunatic asylum, the principal medical officer of each marine, lying-in, or other hospital, or the matron of each parochial asylum, and the master, mistress, or person in charge of each reformatory school, or public, or charitable institution, shall be the enumerator of the inmates thereof, and shall furnish the clerk of the vestry of the parish in which the same is situated with the information required by this act, in one of the forms in schedule B, annexed to this act, or as near thereto as may be practicable, with respect to such inmates, and with the like declaration as to correctness, as is by this act required from each other enumerator.

Superintendants of prisons, &c. inspector and director, and medical officer of hospitals, &c. to make returns to clerk of vestry.

OFFICE AND DUTIES OF PAROCHIAL REGISTRAR.

Thirteenth—The clerk of the vestry shall be the parochial registrar of the parish in which he is such clerk.

Clerk of vestry to be parochial registrar.

Fourteenth—Each parochial registrar shall carefully examine the several forms and returns which shall be delivered to him by the enumerators, and shall satisfy himself that the same are carefully made up; and, if not, cause any inaccuracy or defect to be corrected or supplied, so far as may be possible.

He must examine forms and returns delivered to him.

Fifteenth—Each parochial registrar shall, from the forms and returns to be so delivered to him, when the same shall have been made as complete and correct as may be practicable, without delay prepare a classified tabulated return, shewing the number of the inhabitants of his parish, the number of houses, and other particulars mentioned in schedule "A," to this act annexed, according to the form given in such schedule, which return he shall cause to be entered fair in a book, to be provided for that purpose, and he shall prepare and forward to the secretary of the island, on or before the first day of July, one thousand eight hundred and sixty-one, two copies of such return, the correctness of which shall be by the parochial registrar declared unto, in like manner as the enumerators' returns are required to be declared unto under this act.

Prepare a classified tabulated return from same, which he shall enter into a book, forwarding two copies of such return to island secretary,

Sixteenth—That each clerk of the vestry shall, on or before the first day of July next, transmit to the secretary of the executive committee the classified tabulated return, directed to be made by him, together with all original papers delivered to him by the enumerators of his parish.

and transmit such classified return, with all original papers, to the secretary of the executive committee.

Seventeenth

Executive committee to cause classified returns to be examined, &c. and a general summary to be prepared, recorded, and published.

Seventeenth—That to ensure correctness, it shall be the duty of the executive committee to cause the respective classified tabulated returns to be examined and compared with the several forms and returns from which the same were prepared, and to revise and correct the same, if necessary, and to prepare a general summary thereof, and record the same in the secretary's office of this island, and to publish such summary in the Jamaica Gazette, by authority.

AS TO HOUSELESS PERSONS, AND PERSONS TRAVELLING, &c.

Clerks of vestries to adopt means for ascertaining particulars respecting persons not abiding in any house on the 5th May.

Eighteenth—Each clerk of the vestry shall, by such ways and means as shall appear to him best adapted for the purpose, or as he may be instructed by the governor, in executive committee, ascertain the particulars required by this act, so far as may be practicable with respect to all houseless persons; and all persons who, during the night of Sunday, the said fifth day of May, were travelling, or on ship board, or, for any other reason, were not abiding in any house, of which account is to be taken by the enumerators as aforesaid, and shall include returns of such particulars, the correctness of which shall be declared unto in like manner as hereinbefore directed, in respect to other returns, in the statement to be prepared by him for the executive committee, as hereinbefore directed.

REMUNERATION OF OFFICERS, &c.

Clerks of vestries to be paid not more than £60, nor less than £40.

Nineteenth—The executive committee, and the clerks of the vestries, shall respectively be paid such sum as the governor shall consider adequate, but at rates not more than as understated :

To the executive committee, for paying the clerks of the vestry of the several parishes of this island, at a rate not exceeding sixty pounds, nor less than forty pounds, as the executive committee may deem expedient for their services.

£5,000 to be appropriated to payment of enumerators, as executive committee shall consider adequate.

And for the remuneration of enumerators, who shall not render their services gratuitously, there shall be appropriated a sum not exceeding five thousand pounds, to be paid in such respective amounts as the governor, in executive committee, shall consider adequate to the respective services rendered.

No enumerator, or parochial registrar, to be paid, except upon the certificate of the parochial registrar, or executive committee.

Twentieth—No payment shall be made to any enumerator except upon the production of a certificate under the hand of the parochial registrar, that the duties required by such enumerator have been faithfully performed; and a like certificate shall be required, under the hand of the executive committee, with respect to the parochial registrars, before any payment shall be made to any of them.

FORMS.

FORMS, &c. TO BE PROVIDED.

Twenty-first—The governor, in executive committee, shall cause the necessary forms, and instructions, and books, to be prepared, and forwarded to the several parties authorized to receive them.

Forms, and instruction books, to be prepared, &c.

Twenty-second—That tenders for such forms, instructions, and books, shall be advertized for by the executive committee, upon the terms and conditions to be prescribed by them for the performance of such work, and the lowest tender shall be accepted.

Tenders for same must be advertized for,

Twenty-third—That such tenders may be delivered in at the board of the executive committee at the time fixed for the reception of the same, and the board for the reception and opening of such tenders shall be a public board.

and may be delivered in at a board of executive committee.

EXPENDITURE UNDER THIS ACT.

Twenty-fourth—All expenses to be incurred under the provisions of this act, shall be paid out of the perpetual annuity fund guaranteed to her majesty's government by the act twenty-third Victoria, chapter twenty-six, and not out of any other funds raised for the general contingencies of the government of this island.

Expenses, how payable.

PENALTY CLAUSES.

Twenty-fifth—Every enumerator who shall neglect to make the return for his district, required by this act, or shall wilfully make a false or incorrect return or declaration, or who shall delay making up, declaring unto, and delivering to the parochial registrar of his district, all original forms and returns obtained by him, or who shall omit or neglect any other duty required by this act to be performed; and every parochial registrar making wilful delay or default in any of the matters required of him by this act, or making any false return or declaration, shall, for every wilful neglect or default, or false return, or declaration, or delay in completing and transmitting to the secretary of the executive committee the classified tabulated return directed to be made by him, and all original papers delivered to him by the enumerators of his parish, or other omission or neglect, respectively forfeit and pay a sum not exceeding twenty pounds, nor less than five pounds.

Penalty on enumerators and parochial registrars, for neglect, or false returns, &c.

Twenty-sixth—Every person who shall refuse, neglect, or decline to give any enumerator, who shall demand it, a just and true account, either orally, or in writing, of the number of persons who slept in the house inhabited by him on the night of Sunday the said fifth day of May, or to furnish any other information required by this act, when called upon to do so, or who shall wilfully give or furnish, or cause to be given or furnished, any false account,

And on persons refusing, or neglecting to give a true account, &c.

account, or false information whatsoever, or who shall hinder any enumerator from obtaining any such account or information, or shall in any way obstruct him in the execution of his duty, shall forfeit and pay a sum not exceeding ten pounds.

Occupier of a house may make return of such as slept in such house on 5th May.

Twenty-seventh—It shall be lawful for the occupier of any house, or the person in possession of any property, if he shall be willing to do so, to make a return, in the form left with him for that purpose, of all persons who shall have slept in such house, or in any house on such property, on the night of Sunday, the said fifth day of May, and every such occupier, or person shall, if asked and required by the enumerator, furnish such other information as is by this act required, which return he shall sign and deliver to the enumerator for his district, upon his visiting such house or property.

Should form delivered to enumerator appear incorrect, necessary information must be given to such enumerator.

Twenty-eighth—Should the form, filled up and delivered to any enumerator as aforesaid, appear on the face thereof to be incorrect, or it be necessary for the enumerator to demand any information not contained, or explanation of any thing mentioned therein, the necessary explanation and information shall be demanded by him, and given by the person who filled up such form, under a penalty, in case of refusal or neglect, or of false answer or information by such person, not exceeding five pounds.

Penalties, how recoverable.

Twenty-ninth—The several penalties imposed by this act shall be recovered in a summary manner before any two justices of the peace in the parish where the offence was committed.

INTERPRETATION CLAUSE.

Interpretation clause.

Thirtieth—The word "house," whenever used in this act, shall mean an occupied dwelling-house, hut, shop, store, or wharf, or story, or apartment; and every building or tenement of which the whole or any part shall be used for the purpose of human habitation, or place in which people usually or occasionally reside or sleep; and the word "property," shall mean any sugar estate, coffee, or other plantation, pen, settlement, or premises on which there shall be more than one house, as defined by this section, occupied by persons other than the owner, overseer, tenant, or person in possession.

SHORT TITLE.

Short title.

Thirty-first—This act may, for all purposes, be cited as "THE CENSUS ACT, 1860." [1861.]

SCHEDULE

10 11 12

by be

For Instructions see other side.

33

List of the Mentioned House, on the Night of Sunday, 5th May, 1861.

No.	NAME & SUR.	IF ABLE TO READ.	IF ABLE TO READ AND WRITE.	IF ATTENDING SCHOOL.	AGE Last Birth-day.	If Blind, Deaf and Dumb, Crippled or Insane, or affected with Yaws, or Leprosy.
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I consent, this I

Passed the Log!

Passed the Asses

This Form, or Schedule, is the House, Building, or Tenement or Schedule, No. 1; or the Office on any Property refuses to fill in separate Stores, [Stores], or House, &c. upon a separate Schedule, or is incapable to fill up Form Property, refuses to fill up Form

ices of a
aving fire-en-
ust meet an-
nd elect two
and five
lders to be
ens.

be taken by
eng.

And it will save trouble if, a
time. It is his duty to verify
them at your residence on that
The Return is required, to
the Population; their arrange-
bution over the Country, in 11

THIS PAPER WILL BE

Session.

Ordinary, the ordinary,

ION.

in charge of the House, Building, or Tenement, or sub-let to different Persons, or in charge of each such Story, or Apartment, separate Householder's Schedule.

respecting all the Persons who slept in compliance with an Act, which passed

, 1861, BY THE ENUMERATOR,

written in the proper columns by that person, in compliance with the above instructions, to re-

turn the census, which is to show the number of Persons, and Trades; their distributions.

ION.

in charge of the Great House, or Overseer, to procure or furnish a correct account

2.

le, the Enumerator shall deliver to the owner of every other House, Building, or Tenement, such copies of the Form, or Schedule, No. 1.

ing all the Persons who Slept or
in the

C A P. II.

An act for the better protection of public property, and of the inhabitants of the towns in the several parishes of this island, from accidents and dangers by fire.

WHEREAS it will greatly tend to the security of public property, and of the property of the inhabitants of the several principal towns in this island from accidents, and dangers by fire, if they were possessed of proper fire engines, and of the usual and necessary appliances for the extinguishing of fires, and if firewardens were appointed: *Be it enacted by the governor, legislative council, and assembly of this island, and it is enacted by the authority of the same,*

Preamble.

First—That from and after the passing of this act it shall be lawful, where parishes are or may be provided with proper fire engines, and the necessary implements, hose, and sockets, for the justices of the peace of each parish, in session assembled, yearly, and every year afterwards, and they are hereby required to meet, to elect seven fit and proper inhabitants of the principal town in each parish, as firewardens, two of them at least to be justices of the peace for the parish, and residing in such town, or within half a mile of such town, and the other five to be householders of such town, and residing in such town, and who shall henceforward be denominated “The Fire Wardens for the Current Year,” and shall take and subscribe the following oath, which oath may be administered by any justice of the peace for the parish: *Provided always,* That where two justices do not reside in the town, or within half a mile as aforesaid, it shall be lawful for the justices, assembled as aforesaid, there to elect one justice so situated, and, in failure of one, then to elect seven householders, residing within such town.

The justices of a parish, having fire-engines, must meet annually, and elect two justices, and five householders to be firewardens.

Proviso.

OATH.

I, A. B. do swear, that I will well, faithfully, and impartially, and to the best and utmost of my power and ability, execute and discharge the office of firewarden for the town of
in the parish of for the current
year, as directed by an act of the governor, council, and assembly of Jamaica, entitled “An act for the better protection of public property, and of the property of the inhabitants of the towns, in the several parishes in this island, from accidents and dangers by fire.”—So help me God.*

Oath to be taken by firewardens.

E

Second

Penalty on person
elected, who shall re-
fuse to take the oath.

Second—That in case any such person, so elected as aforesaid, shall, after such election, refuse to take upon him the said office, and shall not, within ten days after notice, in writing, of such his election shall be given to him by or from the clerk of the magistrates, take and subscribe the said oath, such person, so refusing or neglecting to take the said oath, shall forfeit and pay a sum not exceeding five pounds, nor less than one pound for the use of the poor of the parish, to be recovered in a summary manner before any two justices of the peace for the parish; and, in default of payment, such fine shall be enforced by levy on the offender's goods and chattels: *Provided always*, That any reasonable excuse, on oath, shall be taken and accepted by the justice issuing the warrant.

Proviso.

Justices to elect offi-
cers, and prepare rules
for the guidance of fire
company,

Third—That the justices of the peace in each parish, in special session assembled, shall, immediately after the election of firewardens as aforesaid, proceed to the election of officers from such elected firewardens, and prepare rules and regulations for the guidance of such fire company as aforesaid.

and fill up vacancies.

Fourth—That in case of the death, or removal of any one or more of the firewardens as aforesaid, it shall be the duty of the justices as aforesaid to elect another, or others in their place.

This act not to extend
to parishes having
special enactments
relating to fire.

Fifth—That such parishes, for which there are special enactments relating to the protection of property against fire, and the establishing of firewardens, shall not come under the provisions of this act, but shall be exempt therefrom.

INTERPRETATION.

Interpretation.

Sixth—That the word principal town, shall be understood to mean all such towns or villages in which there shall be the court-house, or other building, the property of the public of Jamaica.

C A P.

C A P. III.

An act for the further encouragement of shipping frequenting the ports of this island, and to afford greater facilities for the exportation of produce therefrom.

WHEREAS it is expedient that further encouragement should be held out to the shipping frequenting the ports of this island, and greater facilities afforded for the exportation of produce therefrom: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble.

First—This act shall come into operation on, from, and after the first day of March, one thousand eight hundred and sixty-one.

Act to come into operation 1st March, 1861.

Second—Whenever any sailing vessel now under the provisions of any act wholly or partly exempted from the payment of tonnage duties, on arrival, shall thereafter enter or clear outwards with cargo, in lieu of paying tonnage duties of two shillings, under the act of the twenty-third Victoria, chapter twelve, and of four pence under the act of the forty-sixth George the third, chapter twenty-eight, on her whole tonnage, as is now by law required, there shall be paid, in respect of such vessel, the aforesaid tonnage duties of two shillings; and of four pence for every ton of measurement or space occupied by the produce, goods, or merchandize of which the outward cargo of such vessel shall consist.

Sailing vessels wholly or partially exempted from certain tonnage dues, to pay such dues on every ton of measurement or space occupied by produce, goods, &c. of which the outward cargo shall consist.

Third—Every vessel importing cargo, and entering inwards the same cargo, or any part thereof, covering less than the tonnage of the vessel, according to the register or measurement, shall, in lieu of the duties now by law payable on her whole tonnage, according to register, or measurement, pay duties under the above recited acts, on the amount of tonnage from which cargo shall be actually landed; and such duties shall be calculated, as hereinafter provided, on every registered ton of space occupied by goods or merchandise entered inwards, and landed, or to be landed at any of the ports of this island: *Provided*, That on entering or clearing outwards with cargo, there shall be paid for or on account of such vessel, tonnage duties, under the recited acts, on every registered ton of space occupied by produce or merchandize

Vessels entering with less than full cargoes to pay dues on tonnage of cargo landed.

Provide.

Proviso.

in excess over the amount of registered tons on which duties shall have been paid at the period of entry: *Provided also*, That in no case shall the total amount of duties, so to be paid, exceed the whole tonnage of the vessel, as per register or measurement.

Consignees of such vessels to give notice to customs, who shall cause the tonnage to be ascertained.

Fourth—Every consignee, owner, or master of a vessel entering or clearing inwards or outwards respectively, and claiming to pay on the proportion of registered tonnage occupied by goods or merchandize actually landed or to be landed, as hereinbefore provided, shall notify such claim, in writing, to the collector and controller at the port of Kingston, or to the sub-collector of customs at any other port, who shall cause the amount of registered tonnage, so represented, to be ascertained as hereinafter provided.

How duties shall be paid, levied, and collected.

Fifth—Payment of duties, according to the provisions of this act, shall be made to the collector and controller of customs at the port of Kingston, or the sub-collector at any other port respectively, where such cargo shall be first entered, or at the final port of clearance whence outward cargo shall be exported; and all such duties shall be levied, recovered, and received under the like regulations and powers, and subject to the like penalties, and with the like protections, and shall be paid over to the receiver-general at the same times and in the same manner as the duties of customs collected under other acts of this island, and shall be carried to the same account whereunto the duties under the recited acts are now carried.

Collector and controller, or sub-collector, shall decide the rate of space occupied by goods.

Sixth—For the purposes of this act, the collector and controller at the port of Kingston, or the sub-collector at any other port, shall decide the rate of space occupied by such goods or merchandize so landed or shipped respectively, on the same principle, or by the same rule as freight is now ad-measured in the case of ice vessels bringing a portion of other cargo than ice for importation, and the before-mentioned duties, under the recited acts, shall be paid thereon accordingly.

This act not to affect light-house dues,

Seventh—Nothing in this act contained shall lessen or affect the liability of every vessel to the payment of duties by any acts imposed for or on account of any light-house in this island.

or droppers, or vessels from ports within tropic of Cancer, which vessels shall

Eighth—Nothing in this act contained shall apply to vessels called droppers, or vessels arriving in this island from ports

ports within the tropic of Cancer; and, in respect to vessels arriving from such last-mentioned ports, a duty of two shillings per ton, on the whole tonnage of every such vessel, shall be levied once in every year, in addition to any other duty on tonnage imposed by any act of the legislature of this island, in like manner as the same duty was levied previously to the passing of the act of the twenty-third Victoria, chapter twelve, on vessels arriving from such ports.

pay 2s. per ton in addition to any other duties on tonnage.

C A P. IV.

An act for carrying into execution, in this island, "The West Indian Incumbered Estates' Acts, 1854—1858."

WHEREAS by an act of the imperial parliament, made and passed in the eighteenth year of the reign of her most gracious majesty queen Victoria, to be cited as "*The West Indian Incumbered Estates' Act, 1854*," it is, amongst other things, enacted, that her majesty may, from time to time, by order in council, direct the said act to come into operation in any of the colonies mentioned in the schedule thereto annexed; and that thereupon, but not otherwise, the same should have the force of law in such colony; and it is thereby expressly declared, that no such order in council shall be made until the legislature of such colony has presented an address to her majesty, praying her majesty to issue such order; and has also, to the satisfaction of her majesty's principal secretary of state for the colonies, made provision for the payment of such commissioners and officers as may be appointed under the said act, and such other expenses of carrying the same into execution as are thereinbefore directed to be provided for by the legislature of the colony: *And whereas*, by a certain other act of the imperial parliament, made and passed in the twenty-first and twenty-second years of the reign of her said majesty, to be cited as "*The West Indian Incumbered Estates' Act, 1858*," it is, among other things, enacted, that the said two recited acts may, for all purposes, be cited as "*The West Indian Incumbered Estates' Act, 1854—1858*:" *And whereas* the colony of Jamaica is one of those named in the schedule annexed to the firstly recited act, and it is expedient that the two recited acts should have the force of law in this colony: *And whereas* the extent of the public revenue in this island does not enable the legislature to provide adequate salaries for such officers as may be appointed for carrying into execution, in this colony, the provisions of the

Preamble.

the recited acts, and it is therefore intended to make other provisions, by way of remuneration, in lieu of such salaries: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

The judges of the supreme court, or any two of them, to be commissioners.

First—The commissioners, to be appointed in pursuance of the recited acts, in this island, shall be the judges of the supreme court, for the time being, or any two of them, when sitting in the supreme court, as by law established and held, or at such other times, in vacation, as such judges shall appoint for the holding of sittings for the purposes of this act, and shall have, whenever sitting, as herein provided, jurisdiction over all matters to be brought before them in the court to be so established under this and the recited acts.

The clerk of the supreme court to be secretary to such commissioners, and the provost-marshal to be their sole executive officer, and to receive such fees as shall be fixed.

Second—The clerk of the supreme court of judicature of this colony, or his lawful deputy, shall be the secretary to the said commissioners under the recited acts; and the provost marshal, or his lawful deputy, shall be the sole executive officer of the said judges, as commissioners, for the service of all process to be issued by the said commissioners; and such clerk, and provost-marshal respectively, shall, in respect of the duties and service to be by them respectively performed, be entitled to have, receive, and take, such fees as shall be fixed and settled by the commissioners under the powers in the said "West Indian Incumbered Estates' Act, 1854" contained, subject to such disallowance or alteration by the legislature of this colony, as is in and by the thirteenth section of such act mentioned.

Suitors to pay such fees as shall be fixed by the commissioners in England.

Third—There shall be paid by the several suitors under this and the said recited acts, before all proceedings to be instituted under this and the said recited acts, such fees in respect of the business and duties to be by such judges as commissioners performed under this and the said recited acts, as shall be fixed by the commissioners in England, under the thirteenth section of the said first recited act, subject however to such disallowance or alteration by the legislature of this colony as in and by the said last-mentioned section of such act provided.

Fees to be paid by means of stamps.

Fourth—Such several fees shall be paid by means of stamps, to be impressed on the several proceedings to be had and taken in such court, and such stamps shall be procurable from the office of the receiver-general, or other person authorized by law to distribute stamps, and no discount shall be allowed in respect of such stamps.

Commissioners to be paid by warrant of the governor.

Fifth—The commissioners shall respectively be paid, on the

the warrant of the governor, by means of the fund to be created from stamp duties, as herein provided, for the services and duties to be performed by them under this and the recited acts, such respective salary or remuneration as shall be ascertained and fixed, in proportion to the respective number of days each such commissioner shall sit in such court.

Sixth---Such fees, when settled and approved as by the recited acts and this act is provided, shall be demandable by, and payable to the secretary and provost-marshal, or deputy respectively, to whom the same shall be awarded, as remuneration for the services to be by them respectively performed, and shall be payable and paid by the suitors in the court to be established under the recited acts, and this act, or either of them, in this colony; and payment of all such fees shall, and may be demanded by any person to whom the same are made payable, before he shall be required to perform the duty or service in respect of which any such fee shall be payable; and if any person, to whom any fee shall be so given, under the provisions of this act, shall demand or take any greater or other fee in respect of any duty or service by him performed, or required to be performed under the recited acts, or either of them, every such person shall be deemed guilty of a petty misdemeanour, and of extortion, and shall be liable, on conviction before any two justices of the peace, to forfeit and pay a penalty not exceeding twenty pounds, nor less than five pounds, and to make amends to the party aggrieved in treble the amount demanded; and such penalty, and amends, shall be recovered and enforced according to the provisions of any act now or hereafter to be in force relating to summary proceedings before justices: *Provided*, That such penalty, and amends, may be proceeded for and enforced in a consolidated form of proceedings in one summons, and conjoined in all the other process therefor.

Fees, when settled, to be demandable by secretary and provost-marshal.

Any person who shall demand greater fees may be punished as for a petty misdemeanour.

Provido.

Seventh---That the secretary, and provost-marshal, shall cause a list or schedule of all fees payable, to be publicly exhibited at all times in their offices, or places of business, under a penalty of five pounds, by each, to be recovered as last aforesaid; and the judges appointed under this act shall cause a list of all fees to be published, at the public expense, in the "Jamaica Gazette, by authority," before any proceedings are had or taken in the court, to be established in this colony under the recited acts, and before any fee shall be demanded, or become payable under the same.

Secretary and provost-marshal to exhibit a list of fees in their offices, and publish same in the Gazette.

The judges to cause list of fees to be published in Gazette.

Eighth---This act shall not come into operation until her majesty's

Act not to come into operation until her

majesty's pleasure is signified.

majesty's pleasure thereon shall be signified, and made known by the governor, by a notification in the "Jamaica Gazette, by authority."

C A P. V.

An act for the temporary extension of the qualification for the office of an assistant judge of the supreme court, under the "Judicial Amendment Act, 1855."

Preamble.

WHEREAS it is expedient that the qualification for the office of assistant judge of the supreme court should be for the present extended: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,*

Any person who has practised at the equity bar of England may be appointed an assistant judge.

First—That any person, who shall have actually practised for three years at the equity bar of England, previous to the date of his appointment, may be lawfully appointed by the governor to the office of assistant judge of the supreme court of this island.

Only one such appointment to be made.

Second—That no more than one such appointment shall be made under this act.

Oath to be administered to the person appointed by governor, &c.

Third—That it shall and may be lawful for the governor, the chief justice, or acting chief justice of this island to administer, to the person to be appointed under the provisions of this act, all the oaths of office which are required to be taken by an assistant judge before the judges of the supreme court, when sitting in session, and that the person, so appointed, may thereafter lawfully act as such assistant judge.

C A P.

C A P. VI.

An act authorizing the appointment of a commission to inquire into the condition and management of the public hospital and lunatic asylums of Kingston.

WHEREAS it is expedient that a searching enquiry should be made into the management of the public hospital and lunatic asylums of this island, with the view of remedying the alleged defects or abuses therein; and that a commission for that purpose should be appointed, as hereinafter mentioned: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

First--That the honorable Alexander Gordon Fyfe, the honorable Robert Hamilton, M. D. the honorable Alan Ker, Richard J. O'Flaherty, esquire, M. D. deputy inspector-general of army hospitals, and Charles Richard Kinnear, esquire, M. D. deputy inspector-general of navy hospitals and fleets, are hereby appointed commissioners, by the name of "THE PUBLIC HOSPITAL AND LUNATIC ASYLUMS' COMMISSION," for the purpose of enquiring into the past and present management, and into the state and condition of the said public hospital and lunatic asylums of Kingston, and of reporting thereon; and recommending such amendments as may be necessary for rendering the said institutions more efficient; and it shall be the duty of the said commission to examine and enquire into the management of the said institutions, and to extend such examination and enquiry over such period of time as to the said commission may seem necessary and proper, preparatory to their making their final report in the premises; and it shall be the duty of the said commission, through their secretary, and under their supervision, accurately, and fully, and distinctly, to take down all evidence to be given before them, and all extracts from books and documents produced before them, which may be necessary to be referred to in their report; and it shall also be their duty, if they shall find any misconduct, and abuses, or ill management to exist, or to have existed in the said institutions, to point out and suggest such remedy, alterations, or amendments as, in their opinion, will tend to the future well doing and good management of the said institutions.

Certain persons appointed commissioners.

Object of enquiry.

Duty of commissioners.

Second--That the governor for the time being shall, as soon as practicable after the passing of this act, appoint a day for the opening of the said commission, which shall hold its sittings at

Governor to appoint a day for opening the commission.

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the court-house of the city of Kingston; and, on the day to be so fixed, the chief justice for the time being, or any other person to be deputed for such purpose by warrant under the hand and seal of the governor, shall attend the said commission, and shall administer to each of the commissioners then present an oath that he will well and faithfully discharge the duties of such commission without partiality or favor to any party or person whatsoever, to the best of his judgment and ability.

One sworn commissioner may administer the oath to others.

Third—That any one or more of the commissioners, so sworn, shall thereafter administer the said oath of office to any other of the said commissioners, who may thereafter appear to serve on the said commission, and who may not have been originally sworn as aforesaid.

Three commissioners may act.

Fourth—That any three of the said commissioners shall form a quorum, to proceed with and to discharge the duties of the said commission, and they shall be empowered to appoint a secretary, from time to time, to discharge the ministerial duties of the said commission, and to record the proceedings thereat, and to do all things necessary for fully carrying out the objects of this act; to adjourn from time to time; to visit and inspect the Kingston hospital and lunatic asylum as often as they may deem necessary, and there to hold their sittings, and to have free and unreserved interviews with, and examinations of, the inmates thereof, and to require the assistance of such of the officers or servants of the institution as they may require to attend them; to call for and examine, and take or require extracts, to be furnished from all books and writings in the said institution; and the said commissioners shall possess and exercise all powers vested in the judges of the supreme and assize courts of this island, for the purposes of this act.

Secretary to be sworn.

Fifth—That the secretary of the said commission, before entering upon the duties of his office, shall be sworn, by and before one of the said commissioners, in open court, well and faithfully to perform the duties of his office, and to keep secret all matters whatever relating to the business, proceedings, and acts of the said commission.

Persons giving false evidence punishable:

Sixth—That any person wilfully giving false evidence under this act, before such commission, shall be guilty of wilful and corrupt perjury; and any person procuring, or instigating, or attempting to procure, or instigate such false evidence, shall be guilty of subornation of perjury, and shall be subject to be indicted and tried; and, upon conviction, shall suffer such punishment as is by law prescribed for perjury, or subornation of perjury.

Seventh

Seventh—That if any person, after being duly summoned to appear and give evidence, or to produce any book or document, shall not appear before the said commission at the time and place appointed in such summons, or if, after appearance, he shall refuse to be sworn, or, being sworn, shall refuse to give evidence, or shall not produce to the said commission any book or document in his custody, power, or possession, relating to the matters of the investigation before the said commission, they may, by warrant under the hand of one of the said commissioners, and countersigned by their secretary, commit the person so offending to the custody of the keeper of the common jail of the county of Surry, until the next appointed meeting of the said commission, and so on *toties quoties* at each meeting, until such person shall duly obey the exigency of such summons.

Persons summoned not appearing, or refusing to be sworn, or to give evidence, punishable.

Eighth—That when and so soon as the said commissioners shall have fully performed all the duties required of them by this act, and shall have made up and signed their report on the present and past management of the said institutions, according to the true intent and meaning of this act, fair counterparts or copies of such their report, and of the evidence taken before them, shall be transcribed and signed by any three or more of them.

Report of commissioners to be transcribed and signed.

Ninth—That one of the said counterparts or copies, shall be delivered to the chief officer of the said institutions, to be there safely kept as a record thereof; one other of such copies shall be delivered to his excellency the governor for the time being; one other of such copies shall be delivered to the clerk of the legislative council of this island, for the use of the members thereof; and the fourth or remaining copy shall be delivered to the clerk of the house of assembly, for the use of the members thereof.

Copies thereof to be delivered to chief officer of hospital, governor, clerk of legislative council, and clerk of assembly.

Tenth—That copies of such report, and of the evidence upon which the same is founded, or of either thereof, or any part thereof, may be obtained by any person requiring the same from the clerk of the legislative council, or from the clerk of the house of assembly, on paying for the same at the same rate as is demandable for office copies of recorded deeds in the secretary's office of this island.

Copies of report and evidence may be had, paying for same as for office copies of deeds.

Eleventh—That any person summoned to give evidence before the said commission, under the provisions of this act, shall be entitled to his reasonable travelling and other expenses, and it shall be lawful for the said commission to direct payment thereof by orders, in the like manner as crown witnesses before the courts of assize are now paid.

Witnesses to be paid reasonable travelling expenses, &c.

Secretary's remuneration.

Twelfth—That the secretary shall, for his services, be paid, at the close of the commission, such sum as the said commissioners shall recommend, subject to the approval of the governor, in executive committee.

Commissioners' remuneration.

Thirteenth—That the commissioners shall be indemnified for their travelling and other expenses in attendance on such commission, and shall receive such further remuneration for their services as his excellency the governor, in executive committee, shall award: *Provided*, That such expenses, inclusive of the secretary's salary, and witnesses expenses, shall not exceed five hundred pounds.

Expenses not to exceed £500.

C A P. VII.

An act to amend "The Receiver-General Monies' Transfer Act, 1857," (twenty-first Victoria, chapter thirty-nine.)

Preamble.

WHEREAS it is expedient to amend "The Receiver-General Monies' Transfer Act, 1857," (twenty-first Victoria, chapter thirty nine), as hereinafter mentioned: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Governor and executive committee may enter into arrangements with both or either of the banks for receiving and paying out public or parochial monies.

First—It shall not be obligatory upon the governor, and executive committee, to make the arrangements contemplated by the said recited act, with both the colonial bank, and the bank of Jamaica, or for the receiver-general to pay over or deliver the monies, bills, notes, and drafts now in his custody, or from time to time to be paid to him, in the proportions mentioned in the second section of the said act, but the governor, and executive committee, shall be at liberty, from time to time, to enter into arrangements with both of the said banks, or with either of them, to the exclusion of the other, for receiving, keeping, and paying out the public, parochial, and other monies mentioned in the said recited act, either wholly, or in such other proportions as they shall deem expedient; and the receiver-general shall pay over all monies, bills, notes, and drafts now in his custody, or from time to time to come into his custody, in accordance with such arrangements, during the continuance thereof respectively: *Provided*, That the bank, or banks, with whom any such arrangement may be made, shall be required to pay interest of not less than three pounds

Receiver-general to pay over all monies now in, or which may come into his custody.

Provided interest be paid on daily cash balances.

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per centum per annum upon the daily cash balances at the credit of the accounts to be opened in the books of such bank, or banks, with the receiver-general, and the accounts of such interest shall be made up and settled half-yearly.

C A P. VIII.

An act to amend the law regarding controverted elections.

BE it enacted by the governor, legislative council, and assembly, and it is hereby enacted by the authority of the same.

[First]—That the twenty-third section of the twenty-second Victoria, chapter five, be repealed, and that for the future whenever the return of a member of assembly shall be objected to at an election, and notice shall be given to the provost-marshal, previous to, or upon the closing of the poll, that it is the intention of any candidate or voter of the parish to petition the house of assembly for a scrutiny of such election, such candidate or voter shall, by himself or his agent, within twenty-one days after the election, deliver to the person elected a list of the voters objected to by him, either by personal service, or by leaving such list at the usual place of residence of the person elected; or, in his absence from the island, then by personal service upon the procurator attorney, if known, or person who appeared as the agent of such elected candidate at the election, or at the usual place of residence of such attorney or agent; and the candidate or voter objecting to the return, or his agent, shall assign, opposite each name, upon such list, a short and clear specification of the objections intended to be relied on before the committee to try the election.

Whenever notice of scrutiny given, list of votes objected to, and objections, to be delivered within 21 days.

[Second]—That the person elected, to entitle himself to object to the votes opposed to him, shall, within twenty-one days after service of the objections on him, deliver, in manner aforesaid, a list of his objections to such votes, with a like specification of the objections intended to be urged against each such vote respectively; and, on failure of such objection to any voter within the time aforesaid, he shall be deemed unobjected to.

After service of objections on him, person elected also to deliver list of votes objected to by him within the like period.

C A P.

C A P. IX.

An act to amend the nineteenth Victoria, chapter thirty-nine, entitled "An act for the establishment of free schools, in the parish of Manchester."

Preamble.

WHEREAS by the acts of the legislature of this island, eighteenth Victoria, chapter fifty-four, and nineteenth Victoria, chapter thirty-nine, the principal sum of nine thousand pounds, at the time of the passing of the former act, standing at the credit of the trustees of the free school of the parish of Vere, in the receiver-general's books, was apportioned and appropriated 57|82d [*fifty-seven eighty-second*] parts, or six thousand two hundred and fifty-six pounds thereof to the credit of an account, to be opened in the said books, with the trustees of the district school of Vere, incorporated under the former of the said acts; and 25|82d [*twenty-five eighty-second*] parts, or two thousand seven hundred and forty-four pounds thereof to the credit of an account to be opened with the trustees of the district schools of Manchester, incorporated under the latter of the the said acts, but both the said principal sums were to continue to carry interest after the rate of eight pounds per centum per annum; and the annual interest only of the said sums of six thousand two hundred and fifty six pounds, and two thousand seven hundred and forty-four pounds was to be drawn by the said respective trustees: *And whereas*, by the act eighteenth Victoria, chapter fifty-four, the trustees of the district school of Vere were endowed with the legal estate of, and in the real estate theretofore the property of the trustees of the free school of the parish of Vere, and with the rights and powers of the said former trustees in relation thereto, and were by that act, and the subsequent act, nineteenth Victoria, chapter thirty-nine, required, within fourteen days after the receipt of any monies on account of rents, rent charges, or arrears thereof, issuing out of, or chargeable upon any real estate which, at the time of the passing of the former act, belonged to the trustees of the free school of the parish of Vere, or which were then chargeable with any annuity or other sum in favor of the said last-mentioned trustees, to pay over to the receiver-general of this island 25|82d [*twenty-five eighty-second*] parts of each and every such sum, to be held by the receiver-general to the credit of the account directed to be opened by him with the trustees of the district schools of Manchester: *And whereas*,
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under the former of the said acts, which was similar in its objects to the nineteenth Victoria, chapter thirty-nine, but for the benefit of the trustees of the district school of Vere only, the proportion allotted to the parish of Vere, of such principal sums of money as, on the arbitration or compromise of any claims to any arrears of rent charge, or of annuity, or to any sum or sums of money due and owing, or to accrue and become due and owing to the said trust, should be received in lieu and full satisfaction of such arrears, or sums of money, was to be carried to increase the capital of the said trust: *And whereas* doubts are entertained whether the 25th [25th 182d [twenty five eighty-second] parts of the moneys arising from rents, rent charges, or the arrears thereof (not being the proportion allotted to Manchester of any principal sum received on arbitration, or compromise as aforesaid), were intended to be applied to the increase of the capital of the trustees, incorporated under the nineteenth Victoria, chapter thirty-nine: *And whereas* it is expedient to remove such doubts, and to assimilate the acts eighteenth Victoria, chapter fifty-four, and nineteenth Victoria, chapter thirty-nine, in this respect, and to authorize the trustees of the district schools of Manchester to draw on the receiver-general, to pay from time to time the principal of all such sums, not being sums arising, by way of arbitration or compromise as aforesaid, which shall have been paid by the trustees of the district school of Vere to the receiver-general, to the credit of the account of the trustees of the district schools of Manchester, when and as any part thereof shall be required, to the order of the said last-mentioned trustees, to be by them applied and appropriated for the purposes of the said trust, in the same way, and subject to the same directions, as they are by the said act authorized to apply, and appropriate the annual interest of the said sum of two thousand seven hundred and forty-four pounds: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

That the receiver-general shall be, and he is hereby authorized and directed, from time to time to pay to the order of the said trustees of the district schools of Manchester, all and every sum and sums of money which have been at any time, since the passing of the first-mentioned act, or which may hereafter be at any time paid by the trustees of the district school of Vere into the treasury of this island under the said acts, as the share and proportion of the trustees of the district schools of Manchester, on account of rents, rent charges, annuities, or the arrears thereof (not being monies received on the arbitration or compromise of claims as in the said act of the

Receiver-general to pay to trustees of Manchester district schools monies paid under 18 Vic. cap. 54, or 19 Vic. cap. 39, subject to directions contained in latter act.

Trustees of Manchester district schools to make a statement of the monies received on account of rents, rent charges, annuities, or the arrears thereof, to the receiver-general, from time to time.

the eighteenth Victoria, chapter fifty-four mentioned), to be by the said trustees of the district schools of Manchester applied and appropriated for the purposes of the said trust, in the same way, and subject to the same directions as are in and by the said act nineteenth Victoria, chapter thirty-nine, declared of and concerning the interest of the said sum of two thousand seven hundred and forty-four pounds, and the other annual funds of the said trust, anything in the said hereinbefore recited acts, or either of them, to the contrary thereof notwithstanding.

C A P. X.

An act to repeal the twenty-second section of the seventh William the fourth, chapter fourteen, and the ninth and tenth sections of the twenty-second Victoria, chapter forty-one, relating to savings' banks, and to re-enact the same, with amendments.

Preamble.

WHEREAS it is expedient to repeal the twenty-second section of the act seventh William fourth, chapter fourteen, passed on the seventeenth day of December, one thousand eight hundred and thirty-six, entitled "*An act to establish savings' banks in this island;*" and also the ninth and tenth sections of the act twenty-second Victoria, chapter forty-one, passed on the thirty-first day of December, one thousand eight hundred and fifty-eight, entitled "*An act in aid of the acts of this island, regulating savings' banks,*" and to amend the same: *Be it therefore enacted by the governor, legislative council, and assembly, and it is hereby enacted by the authority of the same,*

22d sec. of 7 Wm. IV.
cap. 14, and 9th and
10th secs. of 22 Vic.
cap. 41, repealed.

First—That from and after the passing of this act, the twenty-second section of the said act, passed in the seventh year of the reign of his late majesty William the fourth, chapter fourteen, entitled "*An act to establish savings' banks in this island;*" and also the ninth and tenth sections of the act, passed in the twenty-second year of the reign of her present majesty, chapter forty-one, entitled "*An act in aid of the acts of this island regulating savings' banks,*" shall be, and the same are hereby, repealed.

Trustees and managers to make a full general statement of accounts and situation of affairs annually, to be signed by

Second—That the trustees and managers of every savings' bank, formed under the provisions of the above recited act, entitled "*An act to establish savings' banks in this island,*" and claiming

claiming the benefit thereof, shall, yearly, and every year, within one month from the annual statement and settlement of the accounts, cause a full, clear, and complete general statement of the transactions, accounts, and situation of the affairs of the said institution, to be signed by two of the trustees, and two of the said managers, and countersigned by the secretary, or treasurer of the said institution, to be hung up in some conspicuous part of the place in which the business of the said institution is usually transacted, particularly specifying the balance due from the said institution to the depositors for principal and interest, setting out the number of such depositors, and the balance claimed by the said institution from the public treasury, and cause a copy of such statement to be published in one of the weekly papers of the county in which such institution is established.

two trustees and managers, and countersigned by secretary, or treasurer, &c.

Third—For the purpose of rendering the accounts of the several savings' banks in this island uniform and correspondent: *Be it further enacted*, That the interest, or dividends due to each depositor, shall be computed half-yearly to the first day of May, and the first day of November, in each year, and at no other periods.

Interest or dividends to be computed half-yearly.

Fourth—That the treasurers, and secretaries of the several savings' banks already, or hereafter to be established in this island, shall be paid such salaries respectively as shall be fixed and determined on at the annual meeting provided under the before recited act, twenty-second Victoria, chapter forty-one, to be held in the month of June in each year, provided such salaries, in the aggregate, shall not exceed in amount the annual surplus balance arising from the transactions of the year to the credit of the bank in respect of which such salaries shall be fixed, and that on no account shall the surplus fund, to the credit of the bank, be interfered with.

Salaries to be paid treasurers and secretaries, provided same do not exceed annual surplus balance on yearly transactions.

C A P. XI.

An act for the maintenance of a general police force.

Preamble.

WHEREAS it is expedient to provide for the maintenance of a general police force : *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same :*

The governor to appoint twelve inspectors of police, each of whom is to take oath.

First—It shall be lawful for the governor to appoint twelve proper persons to be inspectors of police, each of whom shall take and subscribe the following oath before a justice of the peace :

" I, A. B. do swear, that I will well and truly serve our sovereign lady the queen, in the office of inspector of police, and that I will, without favor or affection, malice or ill-will, to the best of my ability, cause her majesty's peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same ; and that while I shall continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law."—So help me God.

No inspector to act as a justice of the peace, except for preservation of the peace, &c.

Provided, That no inspector of police shall act as a justice of the peace in or out of sessions, or at any vestry, nor otherwise, except for the preservation of the peace, the prevention of crime, and the detection and committal of offenders.

No person to act as inspector till he has taken the oath, when he shall have charge of the police force hereby established.

Second—No person shall be capable of holding the office, or of acting in any way as an inspector of police until he shall take and subscribe the said oath, and the same shall have been certified under the hand of the justice, before whom the same shall be taken, and forwarded to the governor, or such person as he shall appoint ; and every inspector shall, upon taking and subscribing such oath, be charged with, and have the inspection, management, command, and direction of the police force hereby established, which shall be stationed within the district for which he shall be appointed, subject to the orders, direction, and control of the governor.

Salaries of inspectors to be as follows, who are to reside permanently in their districts.

Third—The salaries of the inspectors shall be at and after the rates set down in the following schedule, and shall include all allowances for rations, clothing, and all other contingencies, except such as are otherwise expressly provided in this act ; and every inspector shall permanently reside in some central and convenient part of the district to which he shall be appointed, to be approved of by the governor.

SCHEDULE

SCHEDULE OF DISTRICTS, AND SALARIES.

To the inspector for the city and parish of Kingston, and the town of Port-Royal, at and after the rate, per annum, of ... £300 0 0

To the inspector for the parishes of Saint Andrew, and the mountain district of Port-Royal, at the rate, per annum, of ... 200 0 0

To the inspector for the parishes of Saint David, Saint Thomas in the East, and Portland, at the rate, per annum, of ... 220 0 0

To the inspector for the parishes of Saint George, Metcalfe, and Saint Mary, at the rate, per annum, of ... 220 0 0

To the inspector for the parishes of Saint Catherine, Saint Thomas in the Vale, Saint John, and Saint Dorothy, at the rate, per annum, of 300 0 0

To the inspector for the parish of Saint Ann, after the rate, per annum, of ... 200 0 0

To the inspector for the parishes of Saint James and Hanover, at the rate, per annum, of 220 0 0

To the inspector for the parish of Westmoreland ... 180 0 0

To the inspector for the parishes of Vere and Clarendon, at the rate, per annum, of ... £200 0 0

To the inspector for the parish of Manchester, at the rate, per annum, of ... 180 0 0

To the inspector for the parish of Trelawny, at the rate, per annum, of ... 200 0 0

To the inspector for the parish of Saint Elizabeth, at the rate, per annum, of ... 180 0 0

Fourth—No inspector of police shall, during the period he shall hold such appointment, hold any other public or parochial appointment whatsoever.

No inspector to hold public or parochial appointments.

Fifth—It shall be lawful for the governor to appoint a medical man, duly qualified, to attend each station at which the policemen may be distributed; and the governor shall fix the remuneration

Governor to appoint a medical man to each station, and to fix his remuneration, which is to be paid quarterly.

muneration of each medical officer for his attendance, and medicine, and surgical aid, at a sum not exceeding forty shillings per annum for each sergeant and policeman, where the number of men at the station to which he may be appointed shall not exceed five men (including the sergeant), not exceeding thirty shillings; for each man at every other station, except Kingston, Spanish-Town, Falmouth, and Montego-Bay, at which places the rates shall not exceed twenty-four shillings per man per annum; and at the rate of five pounds per annum for each inspector; and, for such remuneration, it shall be the duty also of each medical officer to attend the wife and children of each inspector, sergeant, and policeman, if at or in the immediate vicinity of the station to which such medical officer shall be appointed; and the accounts of the several medical officers shall be paid quarterly by the receiver-general, through the several inspectors, in like manner as the pay of the police is paid, on being duly certified by the inspector, and audited by the secretary.

Policemen to be appointed by the governor, or with his sanction, not exceeding 360 privates.

No person to be enlisted under 18 or above 45 years of age, except those already enlisted, &c.

Rate of pay to sergeants and men.

Additional pay to policeman for use of horse, when required for expeditious discharge of duty.

Sixth—A sufficient number of fit and able men shall, from time to time, be appointed by the governor, or with his sanction, and under his authority, as a police force for the said island, not exceeding in the whole (exclusive of inspectors, secretary, and medical officers), forty-one sergeants, and three hundred and sixty privates, who shall be distributed in Kingston, and the several other parishes, as set forth in the schedule marked A, to this act annexed, or otherwise, as the governor may from time to time direct; and no person shall be enlisted, who shall be under the age of eighteen years, or above the age of forty-five years, except persons who may have been already enlisted therein, under some act now or heretofore in force; and, as vacancies occur, other persons qualified, as herein provided, may be, from time to time, enlisted to fill up such vacancies.

Seventh—Each of the senior sergeants, to the number not exceeding twenty-four, shall receive pay not exceeding sixty five pounds per annum; and the junior sergeants, in number not exceeding seventeen, shall each receive pay not exceeding fifty pounds per annum; and each private shall be paid at a rate not exceeding two shillings per day; and the pay hereby provided shall be in full of rations, clothing, and all other contingencies, except as otherwise expressly provided by this act.

Eighth—Every private policeman, except in Kingston, who shall possess a serviceable horse, to be approved of by the inspector of his division, and shall be willing to place the same at the service hereinafter mentioned, shall be paid, in addition to his police pay, and, at the like time, and in like manner as such pay is made payable

payable under this act, at the rate of four pounds per annum for the use of his horse, which he shall hold at all times under, or subject to the command and orders of, the inspector of the division to which he shall be attached, and ready to proceed immediately as he may be required, in and for the expeditious discharge of any police duty on which he may lawfully be ordered, under the provisions of this act.

Ninth—That policemen attending courts of justice, out of the parish in which they are stationed, to give evidence (whether examined or not), shall be entitled to be paid their reasonable travelling expenses by order of court, as in the cases of other witnesses attending to give evidence before courts.

Also when required to attend courts out of his parish.

Tenth—Every person, who shall be enlisted into the police force, shall be enlisted for a time certain, to be specified, not less than one year, and not exceeding the period during which this act shall be in force.

Policeman to be enlisted for a specified time.

Eleventh—The several sergeants and policemen, so to be appointed, or enlisted, shall, before they shall act, and before their pay shall commence, take the following oath before a justice of the peace :

Before sergeants or policemen act, or receive pay, oath to be taken.

"I, A. B. do swear, that I will well and truly serve our sovereign lady the queen, in the office of constable and policeman, and that I will, without favor or affection, malice or ill-will, to the best of my ability, cause her majesty's peace to be kept and preserved ; and that I will prevent, to the best of my power, all offences against the same ; and that while I shall continue to hold the said office I will, to the best of my knowledge, discharge all the duties thereof in the execution of warrants, and otherwise faithfully, according to law."—So help me God.

Twelfth—The duties of the police under this act shall be to serve and execute all warrants or criminal process issued from the courts of law and justice, and special sessions, and all such summonses, warrants, and other process issuing from justices of the peace, as shall be delivered to them for service or execution ; to warn juries for coroners' inquests ; to summon and warn the justices and vestry of the several parishes throughout the island ; to meet when required so to do ; to give notice of public and parochial elections, and other parochial meetings ; to keep watch in towns during the night, and to preserve the public peace generally, and to do and perform all and every the duties heretofore performed by parochial constables, or by any law now in force imposed on such parochial constables, relating to public or general

Duties of the police.

Proviso, but they are not to be employed in levying rents, rates, or taxes.

ral business : *Provided*, That it shall not be lawful to employ any policeman in the levying of rents, rates, or taxes for or on behalf of any person, or incorporated company, any act enabling thereunto notwithstanding.

Clothing to be furnished yearly to policemen out of fund for contingencies.

Thirteenth—Every sergeant and private of police shall be furnished, once in each year, with a blue cloth uniform coat and cap, at the public expense, not exceeding in cost the sum of twenty-four shillings for each sergeant or private ; and the cost of such uniform clothing shall be deducted from, or drawn out of, the fund for contingencies herein provided.

Policemen to be appointed to attend courts.

Fourteenth—It shall be the duty of the inspectors from time to time to appoint such and so many of the police under their respective orders and directions, and of such rank as may be proper, to attend on the several courts of civil and criminal justice during their sittings, and also upon the justices, in petty sessions, in their respective parishes.

Inspector may remove the whole or part of a division of police from place to place, or from one parish to another, with sanction of the governor.

Fifteenth—It shall be lawful for any inspector, subject to the direction and control of the governor, when and as often as it may be expedient, to remove the whole or any part of any division of the police force under his command to any place or places within the same, or any other parish for which he may be inspector, for such length of time as may be deemed expedient, and the persons, so removed, shall, while removed, be under and subject to the orders and directions of the sergeant or other officer in command in the parish or place to which they shall have been removed.

The governor may remove the police from one district to another, and, when so removed, to be under command of the inspector of the district to which removed.

Sixteenth—It shall be lawful for the governor to direct the removal of any, or any part of any division of police from any one district into any other district of this island, if to him it shall seem expedient so to do, and whenever any such division shall have been removed into any other district, the persons composing the same shall be under the command, and subject to the control and direction of, the inspector, and sub-officers of the district to which they shall have been removed, as fully and completely as the police force of such last-mentioned district.

Policemen removed out of his parish or district on duty to be allowed additional pay.

Seventeenth—Whenever any inspector, sergeant, or policeman shall be required to leave his district or parish on duty, by order of the governor as aforesaid, he shall be allowed, over and above his usual salary or pay, for his expenses after the rate following : that is to say, an inspector, not exceeding twelve shillings ; a sergeant, not exceeding six shillings ; and a private, not exceeding two shillings for every day, or portion of a day on which he may

may be absent on such duty from the districts to which he may be appointed, if an inspector, or the parish in which any such sergeant or policeman may be stationed.

Eighteenth—It shall be lawful for the governor to appoint a proper person to act as secretary of police at a salary not exceeding one hundred pounds per annum, and it shall be the duty of the secretary of police to examine and certify all accounts to be drawn for, upon, and paid by, the receiver-general under the provisions of this, or any other act now or hereafter to be in force concerning or relating to the police; and also under the direction and control of the governor, to call in, make up, and arrange all accounts and vouchers, once in every quarter, and to lay the quarterly accounts, in detail, of the disbursements incurred and paid, before the executive committee, and also publish an abstract of the same (when audited), in the Jamaica Gazette, by authority.

Secretary of police to be appointed at a salary of £100 per annum. His duties.

Nineteenth—The receiver general shall pay monthly, to the order of the several inspectors, for themselves, and the sergeants and privates of their respective districts, such sums of money, according to the rates allowed by this act, as shall be shown to be due by a pay bill to be sent up to the receiver-general, certified by the inspector of the district, and the secretary: *Provided*, That a copy of the previous pay bill, declared to before a justice of the peace by the inspector, and having the signatures or marks of the persons entitled to receive the same set opposite the several sums therein set down as their pay, shall be forwarded to the receiver-general, or the payment and discharge of such previous pay bill shall be otherwise satisfactorily accounted for, before any further sum shall be paid to the order of any such inspector.

Monthly payments to be made to inspectors, on pay bills being certified.

Proviso.

Previous pay bill, declared to, must be sent to receiver-general, before any further sum be paid.

Twentieth—The receiver-general shall pay quarterly, to the several inspectors for the time being, such sums of money as shall be required to provide wood and water for the sergeants and privates, and for postages, stationery, and other expenses, not by this act expressly provided for, according to a quarterly estimate to be submitted by each such inspector, and countersigned by the secretary: *Provided*, That the expenses for wood and water shall not exceed in any case twenty-five shillings per man per annum; and that the whole contingencies for any one year for clothing, wood, water, postages, stationery, and other expenses, not by this act expressly provided for, shall not exceed one thousand one hundred pounds; and every inspector shall, within one month after the receipt of each quarterly sum for contingencies as aforesaid, forward to the secretary of police a sworn "schedule, and voucher," according to the form annexed, marked B, (and which

Inspectors to be paid quarterly for wood, water, &c. per estimates, to be countersigned by the secretary.

Proviso.

Expenses not to exceed 25s. per man per annum, and total not to exceed £1100 per annum.

Inspector to furnish within one month a quarterly schedule or voucher of expenditure.

which shall be supplied by the secretary of police), of the expenditure and payment of the sum so received; and the secretary of police shall give notice to the receiver-general of any neglect or omission, on the part of any inspector, immediately after the occurrence thereof; and, until the due delivery of such "schedule, and vouchers," the receiver-general shall not pay any further sum of money for contingencies to any inspector so neglecting or omitting to deliver the said "schedule, and voucher," for the previous quarter.

Number and locality of stations to be fixed by custos and justices in special sessions, and fix rent, not exceeding amounts limited.

Twenty-first—The number and locality of the police stations in each parish shall be fixed and appointed from time to time by the custos and justices in special sessions assembled, subject to the approval of the governor; and the rent for stations in Kingston shall not exceed one hundred pounds per annum, nor shall the rent of stations in either of the parishes of Saint Ann, Trelawny, Saint James, Westmoreland, Saint Catherine, Saint Thomas in the East, Hanover, Saint Elizabeth, Manchester, or Clarendon, exceed eighty pounds per annum; nor in either of the parishes of Saint Mary, Metcalfe, Saint Andrew, Saint Thomas in the Vale, or Saint George, fifty pounds per annum; nor in either of the parishes of Saint David, Port-Royal, Portland; Vere, Saint John, or Saint Dorothy, twenty-five pounds per annum; but it shall be lawful for the governor, with the advice of the executive committee, to appropriate, in lieu of any previously occupied station, and to direct the occupation of any, or any part of any public or parochial building which may be eligible as a police station in any parish, and for that purpose to cause any necessary repairs to be made thereto, the expense of which shall be paid out of the fund by this act allowed for rent of police stations in such parish.

On being furnished with vouchers, receiver-general to pay rent of stations.

Twenty-second—The receiver-general shall pay quarterly, through the several inspectors, in like manner as the pay of the police is paid, the rents of police stations, on being furnished with the necessary vouchers, certified by the inspectors and secretary; and shall also pay, from time to time, the extra pay to which any inspectors, sergeants, or privates may be entitled, while on duty, out of their respective districts or parishes: *Provided*, That each such extra pay bill shall be duly certified by the inspector of the district or parish in which such services shall have been performed, and by the secretary of police.

Extra pay bill to be certified by inspector and secretary.

Inspectors to visit stations monthly, and to assemble the men quarterly for parade and examination.

Twenty-third—It shall be the duty of every inspector, once at least in every month, to visit and inspect the several stations within his district, for the purpose of keeping up the discipline, and examining into the conduct of the men under his command; and

and every inspector shall, once in every quarter, assemble the whole of the men stationed in each parish, under his command, or as many of them as can be drawn together without detriment to the service, or the peace and good order of the parish, for the purpose of general parade, and the examination of their arms and accoutrements, and progress in discipline.

Twenty-fourth—Within ten days after each monthly and quarterly visit by each inspector as aforesaid, he shall make a return to the governor, setting forth the month, and day of the month on which any such visit was made, the time he spent at such station so visited, the number of men then on actual duty, and their state of health and discipline; and such visit shall be certified by a justice of the peace.

And shall report same to the governor, certified by a justice of the peace.

Twenty-fifth—If any inspector shall wilfully neglect to perform his duties as inspector, or shall employ, or knowingly permit to be employed, any policeman as a servant, or in any service other than those for which such policeman shall have been engaged, he shall be liable to be suspended or dismissed from his appointment by the governor, or to be fined for each offence, by deduction of his pay in such amount as the governor shall see fit to direct, not exceeding ten pounds; and the receiver-general shall make every such deduction as shall be so directed accordingly, and carry and pay the same as other fines are by this act directed to be carried and paid to the account of the police reward fund, hereinafter mentioned.

Inspector may be fined, suspended, or dismissed for neglect of duty, or for permitting policemen to be employed in any service other than that for which they are engaged.

Receiver-general to deduct pay, and carry same to account of police reward fund.

Twenty-sixth—It shall be lawful for the governor, from time to time, as he shall think fit, to remove any inspector, secretary, or medical officer, who may be appointed under this act; and, upon any vacancy by death, removal, disability, or otherwise, in the office of any inspector, secretary, or medical officer, to nominate and appoint some other person to fill such vacancy.

Governor may remove officers, and fill up vacancies.

Twenty-seventh—It shall be lawful for any inspector to suspend or dismiss from the service any sergeant or private under his orders, who shall be found remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and thereupon it shall be the duty of such inspector to communicate, for the information of the governor, the cause of such suspension or dismissal; and when any person shall be dismissed or suspended, all powers vested in him as a constable, or police officer, shall, in case of dismissal, cease and determine; or, in case of suspension, shall be suspended until his re-installment in office: *Provided*, That the governor may review any such proceedings, and confirm or reverse the same, as he shall deem expedient.

Inspectors may suspend or dismiss sergeants or privates, and report cause thereof to governor.

On dismissal constabulary power to cease.

Governor may review proceedings, and confirm or reverse same.

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Twenty-eighth

Unless he shall have obtained his discharge, no sergeant or private to withdraw from the force before the time of enlistment shall have expired.

Proviso, enforcing fine or penalty not prevented.

Inspector to make monthly return to governor of services performed by police of his division, &c.

Governor to make rules, orders, and regulations for general government of the police, which are to continue in force till superseded.

Proviso, as to rules and regulations already in force.

Fine inflicted under rule or regulation not to exceed 20s.

Twenty-eighth—No sergeant or private shall be at liberty to withdraw himself from the police force, or from the duties thereof, before the period of his service, or the time for which he shall have enlisted shall expire, unless he shall have duly obtained his discharge, upon pain of forfeiting any sum, not exceeding five pounds, inclusive of costs, together with the whole or any part of his pay, which shall be then due, or falling due, to be recovered before two justices of the peace, in a summary manner, who are hereby authorized and empowered to commit such person to any gaol, prison, or house of correction, with or without hard labour, for any period not exceeding thirty days, unless such penalty be sooner paid, or, in their discretion, in the first instance without inflicting any pecuniary penalty beyond such forfeiture of pay, to commit the offender to prison, with or without hard labour, for any period not exceeding thirty days: *Provided*, That nothing herein contained shall be construed to prevent the infliction and enforcing payment, by any inspector, of any fine or penalty imposed upon any such offender under any rules or regulations now or hereafter to be in force for the government of the police force.

Twenty-ninth—Each inspector shall, within five days after the expiration of each month, make a return to the governor of the several services performed during the preceding month, by the police of his division, distinguishing, in a separate class and column, each head of service, with remarks or observations, as circumstances may require or suggest.

Thirtieth—It shall be lawful for the governor to make and publish such rules, orders, and regulations, as he shall deem expedient for the general government of the police force, their residence and rank, the particular service of the several members, their distribution and inspection, the description of uniform (provided the cost of such uniform shall not exceed the amount limited by this act), arms, or other accoutrements, or necessities by this act directed to be furnished to them; and all such other orders and regulations as the governor shall, from time to time, deem expedient for preventing neglect or abuse, and for rendering such force efficient in the discharge of their duties: *Provided*, That all rules and regulations at any time heretofore made and acted upon, shall continue in force and operation until the same shall be superseded by the governor.

Thirty first—No rule, order, or regulation, authorizing the imposition of a fine on any sergeant or private by any inspector, shall empower such inspection [*inspector*] to impose or inflict any fine or penalty, exceeding twenty shillings, but all fines and penalties

penalties imposing any greater fine or penalty shall be enforced in the same way as fines and penalties imposed by this act.

Thirty second—It shall be lawful for the governor to cause to be published, in the "Jamaica Gazette, by authority," all such rules, orders, and regulations now or hereafter to be made, as he shall deem expedient for the public service.

Rules, orders, &c. to be published in the Gazette.

Thirty-third—It shall be lawful for each inspector, or any other person to be from time to time nominated for the purpose by the governor, to examine on oath into the truth of any charge or complaint preferred against any sergeant or private, for any remissness or neglect of duty, or violation of any of the rules or regulations for the government of the police force; and any person who, on any inquiry, shall give false evidence, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to be punished accordingly.

Complaints against the police may be inquired into, on oath, by the inspector, or other person appointed by the governor, and false evidence punishable as perjury.

Thirty-fourth—No fine shall be imposed, or order for suspension or dismissal made, except after due inquiry, and a record of such inquiry, and of the evidence taken thereon, shall be entered in a book to be kept for that purpose, and which shall be accessible to any party aggrieved, or his agent, for the purpose of taking a copy of any proceedings affecting such party.

No fine to be imposed, or order for dismissal made, but by inquiry, record of which to be kept, and book to be accessible to aggrieved party.

Thirty-fifth—The several inspectors shall, from time to time, transmit to the secretary of police separate accounts of all fines and penalties set and imposed by them, and of all payments made to them on account thereof, under the provisions of this act, or of any rules or regulations made, or to be made, in pursuance thereof.

Accounts of fines imposed, &c. to be transmitted to secretary of police.

Thirty-sixth—If any person shall be found committing any offence punishable, upon indictment, or summary conviction, it shall be lawful for any police inspector, sergeant of police, or policeman, immediately, and without warrant, to apprehend such offender, and take him forthwith before a justice of the peace, who shall, and he is hereby directed to inquire into the circumstances of the offence alleged to have been committed, and either to commit the offender to the nearest gaol, prison, or lock-up house, to be thereafter dealt with, according to law, or to take bail by recognizance, with security, in such amount as such justice of the peace shall direct, for his appearance on such day as he shall appoint, before any two justices of the peace, to be dealt with according to law.

Persons committing offence may be taken on view, and carried to a justice of the peace for inquiry.

Thirty-seventh—When any person shall be so apprehended as
H 2
aforesaid,

How such persons may be dealt with when taken after six

in the evening, and
before six in the
morning.

aforesaid, after the hour of six of the clock in the evening, and before the hour of six of the clock in the morning, such person shall be taken to the station-house; and it shall be lawful for the inspector of police, or sergeant of police in charge of the station-house, to require the person so offending to enter into recognizance, with security for his appearance before any two justices of the peace of the parish in which such station-house shall be situated, on a day to be appointed for that purpose, to be dealt with according to law; and, upon the offender refusing so to do, or being unable to find such security, it shall be lawful for such inspector of police, or sergeant of police, to detain such offender in custody until he can be brought before a justice of the peace, and dealt with in like manner as is directed in the case of a person apprehended under this act, without warrant at any other time of the day than as in this section above mentioned.

Bail may be taken in
certain cases.

Thirty eight—When any person shall be in the custody of any inspector or sergeant of police, without the warrant of a justice of the peace, whether such person shall have been originally apprehended by any such inspector or sergeant, or afterwards delivered into his custody, or lodged in any station-house under his care or superintendence, it shall be lawful for such inspector or sergeant, if he shall deem it prudent, to take bail by recognizance, without any fee or reward, for the appearance of such person at a time and place to be specified before such justice of the peace as shall be then and there present, and the name, residence, and occupation of such person, and his surety or sureties (if any), entering into such recognizances, together with the condition thereof; and the sums respectively acknowledged shall be entered in a book, to be kept for that purpose, which shall be laid before such justice or justices present at the time and place when and where such person was required to appear; and if any such person shall not appear (and the justice or justices present shall not think fit to enlarge the recognizance, or, having enlarged the recognizance, if any such person shall fail to appear at the time then appointed), it shall be lawful for any justice then present, at the time originally appointed, or at the time appointed by the enlargement of the recognizance, to cause a record of the recognizance to be drawn up, and shall return the same to the proper court, to be enforced as in the case of other forfeited recognizances: *Provided always*, That nothing herein contained shall authorize any inspector of police, or sergeant of police, to take bail for any person charged with a capital felony.

If parties bailed do
not appear, their re-
cognizances, and
those of their sureties,
to be forfeited.

Proviso:

Bail not to be taken in
cases of capital felony.

If police refuse to
take bail, on being re-
quired, they shall
take the party before
a justice of the peace.

Thirty-nine—If any inspector or sergeant shall decline or refuse to take bail by recognizance as aforesaid from any person in his custody, and such person shall so require, it shall be the duty

duty of such inspector or sergeant, forthwith after being so required, to take, or cause to be taken, such person before some justice of the peace conveniently near, for the purpose of having such person dealt with by such justice according to law; and all recognizances taken before any justice of the peace for the appearance of persons apprehended without warrant, shall be taken without fee or reward to any justice or other person whatever.

Recognizances to be taken without fee.

Fortieth—The several inspectors, sergeants, and policemen, to be sworn in under this act, shall have all such powers, authorities, privileges, protections, rights, benefits, and advantages, and be liable to all such duties and responsibilities as any constable or policeman, duly appointed, now has, or hereafter may have, either at the common law, or by virtue of the statute or other law now or hereafter to be in force in this island.

Powers, privileges, &c. of policemen sworn in under this act.

Forty-first—Every police officer or policeman, when employed in taking or escorting any prisoner from one prison to another, or from one parish to another, or to prison for trial, or safe custody, shall have and possess all and every the powers, and authorities, and protection of a constable, police officer, or policeman, in and for all the parishes into and through which he shall pass in the performance of such service.

Power of policeman over prisoner when employed in escorting him for trial, or to prison.

Forty second—Every police officer or policeman, into whose hands any person shall be committed for custody, or removal, or for escort to prison, or transfer, as aforesaid, shall have the same power over such person as the keeper of any prison has or may have over a prisoner sentenced or committed to be confined in any gaol or other prison under his custody; and any person escaping, or attempting to escape from the custody of such police officer, or policeman, and every person rescuing, or aiding in the escape or rescue of any person, so ordered to be removed, taken, or transferred, or kept in custody as aforesaid, shall be liable to the same punishment any person would be liable to, if convicted of escaping, or attempting to escape, or rescuing, or abetting, or aiding the escape or rescue of a person from lawful custody of the keeper of any prison.

Policeman's power over person when in custody, same as keeper of prison.

Punishment for rescuing, or attempting to escape from custody.

Forty-third—It shall be the duty of every inspector, sergeant, and policeman, and of every special or other constable, to aid and assist, to the utmost of his knowledge and ability, every revenue officer in this island, by giving such information as shall lead to the due collection of the revenue in every department, and to the detection of fraud, or attempted fraud thereon, or on any part thereof; and every inspector, sergeant, and policeman, and special or other constable, or other person who shall be instrumental in leading

Police to aid and assist revenue officer in collecting revenue, and detecting fraud.

Reward for conviction of fraud.

leading to the detention or conviction of any person who shall defraud, or attempt to defraud any department of the revenue, public or parochial, shall be entitled to receive a reward, which shall be fixed and determined by the executive committee, according to the merits of the case.

Police may examine improper fire-places on receiving information thereof, and proceed against the party.

Forty-four—Whenever information, in writing, shall be given to the inspector, or any sergeant of police, that any inhabitant of any city or town in this island has no sufficient fire-place or fire-places, or is in the habit of kindling fires in improper places, under the directions of such inspector, or sergeant, to enter upon the premises of such inhabitant, and to examine the fire-place or places thereon, and the spots where-in fires have been or are kindled, and thereupon to institute proceedings against such inhabitant.

How summonses or warrants issued in a parish may be validly executed in another by police or constable.

Forty-five—Every summons to compel the appearance, or warrant for the apprehension of any person charged with any offence, issued by any justices or justice of the peace in any parish, may be served or executed out of such parish by the policeman or constable to whom the same shall be directed, or any other policeman, or constable, and shall have the same force and effect as if the same had been originally issued; or subsequently endorsed by a justice or justices of the peace having jurisdiction in the parish where the same shall be served or executed.

Parties apprehended in one parish, may be bailed by justices of another to appear before justice of the parish in which offence committed, and recognizance returned to clerk of peace thereof.

Forty-six—It shall be lawful for any justice of the peace, before whom any person shall be brought under a warrant, and who shall be apprehended in another parish other than that in which the offence was committed, to take bail, by recognizance, for the appearance of such person before the justices of the parish in which the offence was committed, in such an amount as the justice shall think fit; and such recognizance shall be returned to the clerk of the peace of the parish wherein such person shall be required to appear, to be dealt with, in case of forfeiture, in like manner as any other forfeited recognizance.

Penalty on policeman for disobedience, or misconduct.

Forty-seven—If any sergeant or policeman shall neglect or refuse to obey any lawful order of any justice of the peace, or to execute any warrant lawfully directed to be by him executed, or shall be guilty of any disobedience of any orders and regulations for the government of the police force (except such disobedience as the inspector shall have control over,) or of any other neglect or violation of duty, or misconduct as a constable or policeman, he shall, for every such offence, be liable to a penalty not exceeding forty shillings, or imprisonment, with or without hard labor, not exceeding twenty days, unless such penalty be sooner paid, and the amount of any such penalty may be deducted out of any salary

salary or wages due, or accruing due to any such offender, and all penalties imposed shall be paid to the clerk of the magistrates, to be accounted for as other fines and penalties are, or shall be by law required to be accounted for, and the same shall be applied in manner hereinafter directed.

Forty-eight—If any person who shall have been enlisted shall be dismissed from the police service, all powers and authorities vested in him shall immediately cease and determine to all intents and purposes, and every sergeant or private shall, within one week after he shall have been dismissed from, or ceased to belong to the said force, deliver over all and every the arms, ammunition, and accoutrements, uniform, and other appointments, which may have been supplied to him for the execution of his office, to such person, and at such time and place as shall be directed by the inspector under whose command he was at the time of dismissal, or ceasing to belong to the force, and every person making default herein shall, upon conviction thereof before any two justices, be subject and liable to imprisonment, with or without hard labour, for any period not exceeding thirty days; and it shall be lawful for such justices, or any other justices or justice to issue their or his warrant to search for and seize, to the use of her majesty, all and every the arms, ammunition, accoutrements, uniform, and other appointments which shall not be so delivered over wherever the same may be found.

Penalty on policeman if his arms, clothing, &c. be not given up within a week after his dismissal.

Justices may issue warrant to search for same.

Forty-nine—If any person shall have in his possession any arms, ammunition, clothing, accoutrements, or other appointments, furnished for the use of the police, and shall not satisfactorily account for his possession thereof, or if any person shall put on or assume the dress, name, designation, or description of, and assume to act as, or to personate a policeman, every person, so offending, shall, in addition to any other punishment to which he shall have subjected himself, be liable to a penalty not exceeding forty shillings, or to imprisonment, with or without hard labour, not exceeding twenty days, unless such penalty be sooner paid.

Penalty on persons not satisfactorily accounting for arms, clothing, &c. in his possession, or for assuming the dress, and personating a policeman.

Fifty—The several inspectors, so long as they shall continue such, shall be exempted from the payment of public or parochial taxes for the dwelling house occupied by them, as also from the payment of taxes upon, not exceeding three horses or mules, and each sergeant shall be exempted from taxes on not exceeding two horses or mules; and each policeman shall also be exempted from taxes on one horse or mule, so long as they shall respectively continue in the police force, but no longer; and that each inspector, sergeant, and policeman, shall, whilst on duty, be exempt from the payment

Exemption of inspectors and policemen from payment of certain taxes, and from toll dues.

payment of any toll or turnpike dues under the provisions of any act of this island now in force, or hereafter to be passed.

How actions against inspectors or policemen for malicious acts, are to be brought, and, if not proven, plaintiff to be nonsuited.

Fifty-one—Every action, to be brought against any inspector, sergeant, or policeman for any act done by him in the execution of his office, and within his jurisdiction as such, shall be an action on the case as for a *tort*, and in the declaration it shall be expressly alleged that such act was done maliciously, and without reasonable and probable cause; and if at the trial of any such action, upon the general issue being pleaded, the plaintiff shall fail to prove such allegation, he shall be nonsuit, or a verdict shall be given for the defendant.

Policeman not responsible for acts done under a justice's warrant, nor for irregularities in the issue of such warrant.

Fifty-two—When any action shall be brought against any inspector, sergeant, or policeman for any act done in obedience to the warrant of any justice, such inspector, sergeant, and policeman shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction of the magistrate issuing the same, but may plead the general issue, and give such warrant in evidence; and, upon producing such warrant on the trial of any such action, and proving that the signature thereto is the hand-writing of the person whose name shall appear subscribed thereto, and that such person was reputed to be, and acted as a magistrate of the parish or precinct, and that the act or acts complained of was or were done in obedience to such warrant, the jury, who shall try the issue, shall give a verdict for such inspector, sergeant, or policeman, who shall recover his costs of suit: *Provided*, That any inspector, sergeant, or policeman shall, if required so to do in the execution of any warrant to him directed, produce the same to the party or parties taken into custody thereunder, and permit a copy thereof to be taken by him or them, or on his or their behalf, either at the time of the caption, or at any time afterwards, while the warrant remains in his custody.

Person, upon whom warrant is executed, entitled to copy thereof, which must be produced, if required.

No action to be commenced against policeman unless within two months of the act complained of.

Fifty-three—No action shall be brought against any inspector, sergeant, or policeman, for any thing done by him in the execution of his office, unless the same be commenced within two calendar months after the act complained of shall have been committed.

Such trial to be had at the district court of the parish, and defendant may plead the general issue, &c

Fifty-four—In every action commenced against any inspector, sergeant, or policeman, the trial shall be had in the parish, or district court for the parish in which the act complained of was committed; and the defendant shall be allowed to plead the general issue, and to give any special matter of defence in excuse or justification in evidence, under such plea, at the trial of such action.

How plaintiff to be dealt with if action be not brought within

Fifty-five—If at the trial of any such action the plaintiff shall not

not prove that such action was brought within the time hereinbefore limited in that behalf, and that the cause of action arose within the parish or precinct for which such court is holden, then, and in every such case, the plaintiff shall be nonsuit, or the jury shall give a verdict for the defendant.

two months, or cause of it arose in the parish.

Fifty-six—No police officer, sergeant, or policeman shall, under pain of dismissal from his office, give his vote for the election of any person to serve as a member of assembly, or as a coroner, churchwarden, vestryman, or other parochial officer, nor by word, message, writing, or in any other manner endeavour to persuade any person, entitled to vote at any election, to give, or dissuade any such person from giving his vote for the choice of any person to be a member of assembly, coroner, churchwarden, vestryman, or other parochial officer.

Police officer, or men, not to interfere with elections, either directly or indirectly, under pain of dismissal.

Fifty-seven—If any retailer, tavern-keeper, or keeper of any house, shop, room, or other place for the sale of any liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any policeman, or permit any policeman to abide or remain in his house, shop, room, or other place during any time of the time appointed for his being on duty, or when he shall have been ordered on service, any such retailer, tavern-keeper, or keeper as aforesaid, shall, for every such offence, forfeit and pay a sum not exceeding two pounds, to be recovered before any two justices of the peace.

Penalty on retailer, tavern-keeper, &c. harbouring or entertaining policeman when on service.

Fifty-eight—If any person shall assault, or resist, or aid, or incite any other person to assault, or resist any inspector, sergeant, or policeman in the execution of his duty, every such offender shall be subject and liable to a fine not exceeding ten pounds, to be recovered in a summary manner before two justices of the peace, or, in the discretion of the justices, shall be liable to be indicted and punished for a misdemeanor.

Penalty on persons, assaulting, or resisting, or inciting others so to do, police inspector, or men, while in execution of duty.

Fifty-nine—All fines and penalties imposed by this act shall be recovered in a summary manner before any two justices of the peace for the parish or precinct where the offence is committed; and, in default of immediate payment, by imprisonment, with or without hard labor, for any period not exceeding thirty days, unless the same be sooner paid; and any fines or penalties imposed by the inspectors for the breach of any rule or regulation at any time in force for the government of the police under the authority of this act, shall be enforced by deducting the amount thereof from any pay due, or accruing due to any police officer or policeman.

How fines and penalties are to be recovered.

Fines and penalties to be retained by the receiver-general, when paid,

to be appropriated, as directed, for rewards, gratuitous bounties, pensions, &c

and governor may direct investment of any portion of "Reward Fund," which amount to be applied as directed by this act

On payment of fines, penalties, damages, and deductions of salaries, receiver-general to pay same to managers of savings' bank, in Kingston, to be kept at interest, who are to pay same on warrant of governor.

Receiver-general, on warrant of governor, to pay extraordinary expenses in detecting and apprehending offenders, and executing other duties under this act, on

Sixtieth—All fines and penalties imposed on any sergeant or private, or any other person, under the authority of this act, and all penalties, and proportions of penalties, and damages awarded to any sergeant or private, on any summary conviction as the prosecutor of any information or otherwise, shall be retained by the receiver-general, or paid over to him within thirty days after receipt from the person fined, and shall be carried by him to a separate account of "THE POLICE REWARD FUND," established under the "Police Act, 1856," nineteenth Victoria, chapter twenty-four, to be appropriated for the payment of such rewards, gratuitous bounties, pensions, or other allowances as the governor may from time to time award, or direct to be paid to any person appointed under this act, or to the widow or family of any such person; and it shall be lawful for the governor to direct, if he shall think fit, that any proportion, not exceeding the rate of ten shillings in the year for every one hundred pounds of the salary of every inspector, and any fractional part thereof, and the like rate on the salary or pay of every sergeant and private, shall be deducted monthly from such salaries and pay respectively, and added to the reward fund, and form part thereof; and it shall be lawful for the governor, with the advice of the executive committee, to direct the investment in any loan, or public security under any act of this island, or bank, of any amount, being portion of such "Police Reward Fund," as may have accumulated, or may, from time to time accumulate in excess of the sum whereon by law or regulation interest is allowed to be paid in the said Kingston savings' bank, and the principal and interest of every such investment may be applied by the governor, with the advice aforesaid, in like manner, and for the like purposes, as The Police Reward Fund is by this act made applicable.

Sixty-one—All fines, penalties, and proportions of penalties, and damages, and deductions from salary and pay as aforesaid, on payment thereof to the receiver-general, from time to time, shall respectively be paid over by the said receiver-general to the trustees and managers of the Kingston savings' banks, to be kept at interest, and with accumulations, as by law authorized; and the said trustees and managers shall keep an account thereof, under the name of "THE POLICE REWARD FUND ACCOUNT," and they shall pay the same, or any part thereof, from time to time, on the warrant of the governor, to be from time to time directed to them.

Sixty-second—It shall be lawful for the governor, with the advice of the executive committee, to direct, and the receiver-general shall, on the warrant of the governor, make payment of any extraordinary expenses which shall appear to have been necessarily

ly

ly incurred in detecting and apprehending offenders, and executing the powers and duties given or imposed under this act; such expenses being first certified by the inspector of the division in which the same shall have been incurred: *Provided*, That the whole amount to be expended for any such extraordinary expenses shall not, in any one year, exceed the sum of two hundred and fifty pounds; and that a detailed statement, made up to the thirtieth day of September in each year, shall annually be laid before the assembly within fourteen days after the meeting thereof.

same being certified by inspector.

Proviso as to amount limited, and as to annual detailed statement to be laid before the legislature.

Sixty-third—No appointment or proceeding under this act shall be subject to any stamp duty.

Appointments, &c. exempt from stamp duty.

Sixty-fourth—The act, passed in the eighteenth year of the reign of his late majesty king George the third, chapter seventeen; the act, passed in the fourth year of the reign of his late majesty king William the fourth, chapter thirty-seven; and so much of the tenth section of the act, passed in the sixth year of the same reign, chapter thirty-two, as empowers the justices and vestries of the several parishes to raise money for the payment of constables, shall be repealed during the continuance of this act.

18 Geo. III. cap. 17; 4 Wm. IV. cap. 37, and so much of 6 Wm. IV. cap. 32, sec. 10, as empowers justices and vestries to raise money for payment of constables, repealed.

Sixty-five—This act shall commence and be in force on and from the first day of April next, until the thirty-first day of March, one thousand eight hundred and sixty-six.

This act to commence on 1st April, and be in force till 31st March, 1866.

Sixty-sixth—This act may, for all purposes, be cited as "THE POLICE ACT, 1861."

How this act may be cited.

SCHEDULE A.

Distribution of the Police Force.

	Inspectors.	Senior Sergeants.	Junior Sergeants.	Privates.
Kingston	1	2	2	64
Port-Royal (Town)		1		6
Port-Royal (Mountains)	1	1		6
Saint Andrew		1	1	14
Saint David		1		8
Saint Thomas in the East	1	1	2	20
Portland		1		10
Saint George		1		10
Metcalfe	1	1		10
Saint Mary		1	1	14
Saint Catherine		1		20
Saint John		1	1	6
Saint Dorothy	1	1		6
Saint Thomas in the Vale		1		10
Saint Ann	1	1	2	18
Trelawny	1	1	2	24
Saint James		1	1	22
Hanover	1	1	1	16
Saint Elizabeth		1	1	18
Westmoreland	1	1	1	18
Manchester	1	1	1	16
Clarendon		1	1	16
Vere	1	1		8
	12	24	17	360

SCHEDULE

SCHEDULE B.

*Schedule and Voucher of Police Expenditure of the _____ Division,
for the Quarter ending the _____ day of _____ 186*

RENTS OF STATIONS.		We acknowledge the receipt of the sums against our signatures in full of our respective demands.	
No. 1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

PAY OF MEDICAL MEN, &c.			
Inspector and Family for the Quarter ... £			
(a) — Men, at — each (b) — Station			
— Men, at — each — Station			
— Men, at — each — Station			
— Men, at — each — Station			
— Men, at — each — Station			

GENERAL CONTINGENCIES.			
For Wood supplied			
For Water supplied			
For Lights, &c. supplied			

INSPECTORS' CONTINGENCIES.			
Amount paid for stationery.....			
Ditto ditto postages.....			

(a) State number. (b) name of station.

I, _____ inspector of police for the parish of _____ do swear, that
the above is a just and true schedule of my district for the quarterly contingencies of
rent, pay of medical men, general contingencies, stationery, and postages, due from the
_____ day of _____ to the _____ day of _____ 186 and paid [by] me.

Sworn before me, this _____ day of _____ 186 Inspector.

J. P.

C A P.

C A P. XII.

An act to punish breaches of trust by tradesmen.

Preamble.

WHEREAS the provisions of an act, passed in the sixth year of the reign of her majesty queen Victoria, chapter thirty-eight, for the punishment of breaches of trust by tradesmen, have been found inadequate for the prevention or check of frauds by dishonest tradesmen, and it is necessary to make other and more stringent provisions for the punishment of such frauds: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

§ Vic. cap. 38, repealed.

First—The said recited act (sixth Victoria, chapter thirty-eight), is hereby repealed.

Notwithstanding repeal thereof, offences may be punished thereunder, if complaint preferred within six months.

Second—Notwithstanding the repeal of the said act, all offences thereunder may be dealt with in like manner as if the same were still unrepealed: *Provided*, That any complaint for any such offence be preferred within six months from the passing of this act.

Penalty on tradesman contracting to perform work who shall receive £10 in advance, or for purchase of materials, &c. and neglect or refuse to perform such work, or to repay the money so advanced.

Third—If any tradesman shall contract with any person to perform any work for reward (whether the amount of such reward shall, at the time of the making of the contract, be fixed and agreed upon or not), and if, in pursuance, or on the faith of such contract, such tradesman shall receive, as and by way of advance, or in anticipation of such reward, any sum or sums of money not exceeding in the whole the sum of ten pounds, or if any sum or sums of money, not exceeding in the whole the sum of ten pounds shall be paid to such tradesmen [*tradesman*] for the purpose [*purchase*] of materials necessary for such work, or for any other purpose in relation thereto, and if such tradesman shall, without any lawful excuse, neglect or refuse to perform such contract, either within the time specified for the completion of the same, or, in the absence of any agreement as to time, within such time as the justices hearing any complaint to be brought under the provisions of this act, shall deem to be reasonable, and shall neglect or refuse, when so required, to repay to the person with whom he shall have so contracted, or to his agent, lawfully authorized, such sum or sums of money as he shall have so received, such tradesman shall, on conviction before any two justices of the peace of the parish where such contract shall have been made, or such tradesman

tradesman shall, at the time of the complaint be resident, be adjudged to pay, over and above the amount so received by him, a fine or penalty not exceeding the sum of five pounds.

Fourth—If any tradesman, having contracted as aforesaid, shall receive any materials not exceeding in value the sum of five pounds, for the purpose of being wrought up or used in the work so agreed to be performed, and if such tradesman shall, without any lawful excuse, neglect or refuse to perform his contract within such specified or reasonable time as aforesaid, and shall neglect or refuse, when so required, to return to the person with whom he shall have so contracted, or to his agent, lawfully authorized, the materials, or any part thereof, so delivered to him, such tradesman shall, on conviction before any two justices having jurisdiction as aforesaid, be adjudged to pay, over and above the value of such materials, a fine or penalty not exceeding the sum of five pounds.

Penalty on tradesman receiving materials to be wrought up, if he shall refuse to perform contract, or return such materials.

Fifth—If any goods, wares, articles, or chattels of any description or value whatsoever shall be delivered to any tradesman or other person for the purpose of being repaired, fashioned, altered, or cleansed for reward, (whether the amount of such reward shall be specified or not), and if such tradesman shall, without any lawful excuse, neglect or refuse to repair, fashion, alter, or cleanse the same, and shall, after the expiration of such specified or reasonable time as aforesaid, neglect or refuse, when so required, to return the same, or any part thereof, such tradesman, or other person shall, on conviction before any two justices having jurisdiction as aforesaid, forfeit and pay, over and above the value of the goods, wares, articles, or chattels unlawfully detained, a fine or penalty not exceeding the sum of five pounds.

Penalty on tradesman who shall receive goods or other articles to be repaired or altered, if he shall neglect or refuse to do so, and to return the same when required.

Sixth—If it shall appear, upon due proof to the justices, before whom any complaint under this act shall be heard, that such tradesman, or other person has sold, pawned, converted to his own use, or otherwise misappropriated any materials, goods, wares, articles, or chattels delivered to him for the purposes in this act stated, such justices may abstain from the infliction of any fine or penalty, and, in lieu and stead thereof, may adjudge the offender to be forthwith imprisoned in any jail, house of correction, or penitentiary, with or without hard labour, for any period not exceeding ninety days.

Tradesman may be adjudged to prison, with or without hard labour, if it shall be proven that he has sold, pawned, misappropriated, or converted to his own use, goods or articles delivered to him for purposes of this act.

Seventh—If any fine or penalty, imposed under the authority of this act, together with costs, if adjudged, shall not be paid

If penalties, &c. imposed by this act be not paid, justices may adjudge to imprison.

ment with or without
hard labour.

paid forthwith, or within such time, not exceeding thirty days, as the justices shall appoint, it shall be lawful for such justices to adjudge the offender to be imprisoned in any jail, house of correction, or penitentiary, with or without hard labour, for any period not exceeding ninety days.

Justices may award
compensation to ag-
grieved party out of
penalty paid

Eighth—The party aggrieved in any complaint, to be determined by the justices, shall, on conviction of the offender, be entitled to receive, out of any fine or penalty imposed and paid, such sum of money as shall, in the opinion of the justices, be adequate compensation for the injury which such aggrieved party shall prove to have been sustained by him.

Right of tradesman's
lien not to be affected.

Ninth—Nothing in this act contained shall prejudice or affect the right of lien of any tradesman as at present existing.

Proceedings to be in
conformity with pro-
visions of 13 Vic. cap.
35.

Tenth—All proceedings under this act shall be in conformity with the provisions of the thirteenth Victoria, chapter thirty-five, except in so far as any thing in this act contained may be repugnant thereto.

Where amount of con-
tract, or materials
furnished, exceed £10
in value, unless in-
formant and defendant
submit to inferior ju-
risdiction, offence to
be prosecuted by in-
dictment, &c.

Eleventh—That any breach of contract in any of the matters or respects hereinbefore provided, where the amount of the contract, or the amount of materials furnished, or money advanced, should exceed the limit of ten pounds, and be beyond the jurisdiction of the justices, unless the informant and defendant shall consent to submit to such inferior jurisdiction, shall be prosecuted as a fraud, and be punishable on indictment, by fine alone, or by fine and imprisonment, with or without hard labour, for any term not exceeding one year.

Interpretation of this
act.

Twelfth—The following words and expressions shall have the several meanings hereby assigned to them; namely, tradesman, shall signify and include handicraftsman, artificer, manufacturer, laundress, and workman, or person following any trade, business, or mystery whatsoever; materials, shall include goods, wares, articles, chattels, and things of any kind or description whatsoever; work, shall signify and include any work in any trade, handicraft, manufactory, or business whatever, and any repairing, fashioning, altering, or cleansing whatsoever.

C A P. XIII.

An act to repeal so much of the twenty-ninth George second, chapter four, and the seventeenth Victoria, chapter twenty-nine, as relates to the article of molasses.

WHEREAS by the twenty-ninth of George the second, chapter four, the importation of molasses, the produce and growth of certain foreign colonies, is prohibited: *And whereas* also, by the fortieth section of the seventeenth Victoria, chapter twenty-nine, the importation of foreign molasses is also prohibited: *And whereas* it is expedient that such prohibitions should cease: *Be it therefore enacted by the governor, legislative council, and assembly, and it is hereby enacted by the authority of the same,* That so much of the said twenty-ninth of George the second, chapter four, as prohibits the importation of foreign molasses, and so much of the said fortieth section of the 17th [*seventeenth*] Victoria, chapter 29, [*twenty-nine*], and the schedule E to the said last-mentioned act, as prohibits the importation of foreign molasses, and such other provisions of the said respective acts as may, in any way be repugnant to the provisions of this act, shall be, and the same are hereby, respectively repealed.

Preamble

So much of 29 Geo. II. cap. 4, and so much of 17 Vic. cap. 29, and schedule E thereof, as prohibits importation of foreign molasses, &c. repealed.

C A P. XIV.

An act to continue in force, for a limited period, "The Stamp Duty Act, 1855," (eighteenth Victoria, chapter twenty-seven), and all other acts, and parts of acts, passed subsequently thereto, relating to the imposition of stamp duties.

ANNUAL

C A P. XV.

An act to continue in force, for a limited period, an act, entitled "An act to raise a supply, for the use of the government of this island, by a duty on articles imported, and to appropriate the same."

ANNUAL

K

C A P.

C A P. XVI.

An act to make further provision for immigration into this island.

Preamble.

WHEREAS, for the further encouragement of immigration into this island, it has been found advisable to make other provision than that now by law provided for the repayment of the cost of importation, and other expenses incidental to the introduction of immigrants; and it is also expedient to provide more specific and permanent means than at present exist, for raising the additional funds required for such immigration: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Passage chargeable only for immigrants landed alive.

First—Passage-money shall be paid only for such immigrants as shall be landed alive in this island.

Liability of applicants refusing to accept immigrants allotted to them.

Second—To remove doubts as to the sums to be forfeited and paid by applicants for immigrants, who should afterwards refuse to accept the services of those allotted to them under the provisions of the ninth section of the "Immigration Act, 1858," (twenty-second Victoria, chapter one), every applicant, so refusing, shall forfeit and pay, in lieu of any other moneys payable under the said act, a sum equivalent to one pound for each year every such immigrant would otherwise be indentured to him, together with the cost of food and lodging, incurred by the island between the time of the arrival of such immigrant and the transfer of his services, to some other person; such cost to be ascertained and fixed by the agent-general, and the whole of the aforesaid moneys, or such amount as the governor shall see fit to direct, shall be immediately enforceable under the provisions of this act.

Remuneration of sub-agent of immigration.

Third—In lieu of the allowance of six shillings, by the second section of the "Immigration Act, 1858," (twenty-second Victoria, chapter one), provided, it shall be lawful for the governor, with the advice of the executive committee, from and after the passing of this act, to direct payment to each sub-agent of immigration in this colony, for remuneration for his services in that office, at the rate of not less than two shillings, and not exceeding six shillings for each immigrant per annum placed under his care and inspection, which rate respectively

respectively shall be calculated with regard to the number, and circumstances of location, of such immigrants in each case.

Fourth—That the ninth section of the “Chinese Immigration Act, 1859,” (twenty-third Victoria, chapter twenty-nine), shall be repealed; and the proportion of Chinese women and children, under the age of twelve years, to be introduced under the provisions of the said act, with reference to the number of Chinese male immigrants, under the provisions of the said recited acts, shall be such as may be from time to time fixed by her majesty’s government.

Proportion of Chinese women and children to be fixed by imperial government.

Fifth—For the purpose of providing funds for the importation of immigrants, and for the repayment of the monies to be borrowed under the provisions of “The Immigration Loan Act, 1858,” (twenty-first Victoria, chapter three), there shall be levied, raised, and paid, the funds and monies hereinafter-mentioned, in lieu of the funds and monies provided and set apart for such purposes by any existing act or acts now in force, save and except the export duties imposed by the fifteenth Victoria, chapter thirty-nine, entitled “*An act for the raising of moneys, to be applied to the introduction of free labourers, and for other purposes.*”

Provision of funds for importing immigrants.

Sixth—The employer of every immigrant, to be introduced at the expense of the government of this island, under the provisions of the said “Immigration Act, 1858,” or of “The Chinese Immigration Act, 1859,” (twenty-third Victoria, chapter twenty-nine), shall, at the time of entering into indenture, as thereby required, pay to the immigration agent, before whom such indenture shall be entered into, all moneys which may have been incurred for food and lodging of every immigrant so indentured, after the expiration of three days from the time notice shall have been given of the allotment of such immigrant to him (such time, in case of personal service, to commence to run from the day next after notice shall have been so given; or, in case of notice by letter, or otherwise, through the post-office of the district in which the estate on which such immigrant is to be employed shall be situate, from the day next after the day on which such notice shall be deliverable at the post-office appointed for such district), as also the sum of one pound in advance for the first year’s service of every such immigrant under such indenture; and the sum of ten shillings in advance for every child under the age of twelve years, included in such indenture; and shall also enter into contract (form, No. 1), for payment of one pound in advance for each subsequent year of service; and ten shillings

Payments by employer of immigrant.

Future liability to
cease on death of im-
migrant, &c.

in advance, for each subsequent year for each such child until he shall attain the age of twelve years, to be paid respectively on the day next after the day of the expiration of the immediately previous year of service or contract; and, upon the death of an immigrant, or other termination of his contract, the liability of the employer to pay any moneys to fall due thereafter under such contract, shall cease and determine.

Forms prescribed.

Seventh—The form, No. 9, of the schedule to the said “Immigration Act, 1858,” referred to in the fifty-ninth and sixtieth sections thereof (hereinafter repealed), and the forms Nos. 10 and 11, referred to in the sixty-eighth section of the said act, shall be cancelled, and, in lieu thereof respectively, the forms No. 1, 2, and 3, to this act, shall be substituted, subject to alterations or modifications, in the case of Chinese immigrants, as the circumstances of cases may require.

Assignment of immi-
grant husbands and
wives and children in
families.

Eighth—Husbands and wives, and child or children, shall be assigned, as provided by the twenty-first section of the said “Immigration Act, 1858,” and be included in one indenture; and one contract shall be entered into as to all, so included, for payment of the sums chargeable against the employer, under the provisions of this act, in respect of each such immigrant; but, in respect to any child under twelve years of age, and until such child shall become of age, to be indentured for service, each employer shall be chargeable with the sum of ten shillings per annum only.

Payments by employ-
ers of immigrants al-
lotted previously to
the passing of this act.

Ninth—The employers of immigrants, allotted since the passing of the “Immigration Act, 1858,” shall be entitled to the benefits and advantages of this act, upon payment, on the tenth day of May, one thousand eight hundred and sixty-one, of the full cost of food and lodging (if any) supplied in respect of the immigrants allotted to them; and also of the sum of one pound for each immigrant under service, and ten shillings for each child under twelve years of age, together with the instalments then payable under the contracts entered into by them; and, upon entering into contract in the manner and form required by this act, and upon such payment, and entering into new contracts, the agent-general shall deliver up to such employers any contracts already entered into for payment of expenses of the immigrants for whom such new contracts shall be entered into; but, in case any such employer shall neglect to make such payments, and enter into such substituted contract for the space of fourteen days next after the tenth day of May, one thousand eight hundred and sixty-one, his original contract shall continue in force, and payment of the instalments

stalments therein mentioned compellable under the provisions of the said "Immigration Act, 1858," notwithstanding the repeal of any portions thereof by this act.

Tenth—The column, headed "Average cost of importation, payable by employer," in the register (form No. 3), required by the sixteenth section of the said "Immigration Act, 1858," to be kept by the agent-general, shall be expunged from such register; and, in lieu thereof, there shall be inserted a column, headed "Average Cost of Importation," in which column shall be stated such average cost accordingly, in respect of each immigrant.

Amendment of register form No. 3 (22, Vic. ch. 1.)

Eleventh—The second section of the "Immigration Loan Act, 1858," (twenty-second Victoria, chapter three), so far as the same directs that the bonds and debentures therein mentioned shall be made redeemable six years at furthest after the date thereof, shall be repealed.

Amendment of Immigration Loan Act, 1858.

Twelfth—The bonds and debentures authorized to be given under the authority of the "Immigration Loan Act, 1858," not exceeding in the whole the sum of fifty thousand pounds in any one year, shall be made redeemable and payable as follows: That is to say, one-fourth of the amount, or the estimated amount to be required in each year, shall be redeemable and repayable at the expiration of not exceeding five years; one other fourth part not exceeding ten years; one other fourth part not exceeding fifteen years; and the remaining fourth part not exceeding twenty years, after the expiration of the year in which the same shall be contracted; and such principal moneys, and the interest thereon, shall be secured, and be a charge upon the moneys to be carried to the credit of the "Further Immigration Fund, 1861," hereby directed to be open and kept; and such interest shall be payable half-yearly out of any moneys then at the credit of the said fund, or otherwise under the provisions of the said "Immigration Loan Act, 1858."

Period of redemption of principal of loans.

Thirteenth—The seventh section of the said "Immigration Loan Act, 1858," shall be repealed, and a sinking fund established as hereinafter mentioned.

Sinking fund establishment.

Fourteenth—For the redemption of the principal moneys from time to time to fall due upon such bonds or debentures, there shall be established a sinking fund, to which sinking fund there shall be carried and appropriated, in each year, a sum of money sufficient to meet the repayment of such bonds and

Provision therefor.

and debentures respectively as the same shall from time to time become due and payable; and the receiver-general, under warrant from the governor, shall annually remit such moneys, to the agent or agents in Great Britain, appointed, or to be appointed under the authority of the said "Immigration Loan Act, 1858," to be invested in the public funds of Great Britain.

Customs' duties revenue.

Fifteenth—For the purposes of this act there shall be raised, levied, and paid to her majesty, the several duties set forth in the schedule hereunto annexed, on and from the first day of April, one thousand eight hundred and sixty-one, inclusive, which duties shall be levied, recovered, and received by her majesty's officers of customs, under the like regulations and powers, and subject to the like penalties, and with the like protection, and shall be paid over to the receiver-general at the same times, and in the same manner as other duties of customs collected under acts of this island imposing duties of customs.

Accounts of such revenue.

Sixteenth—Separate and distinct accounts of the moneys, so received and paid over, shall be kept by the collector and controller of her majesty's customs of the port of Kingston, and by the receiver general; and the moneys, at the credit of the account to be kept by the receiver-general, shall be from time to time transferred to the credit of the "Further Immigration Fund Account, 1861," hereby required to be opened and kept by him, as the governor may direct.

Computation of casks and packages of exports.

Seventeenth—For the purposes of this act every three tierces of sugar exported shall be taken to be equivalent to two hogsheads; and every eight barrels to one hogshead; and every package of sugar exported from this island, not being a hogshead, tierce, or barrel, shall be charged with the duty on sugar, imposed by this act, in the proportion which such package shall bear to the hogshead of seventeen hundred weight; and every two hogsheads of rum shall be taken to be equivalent to one puncheon; and every quarter cask or package of rum, not being a puncheon or hogshead, shall be charged with the duty on rum in the proportion the same shall bear to a puncheon of ninety gallons; and all coffee exported from this island in packages other than tierces shall be charged with duty in the proportion of seven hundred weight to one tierce; and every package of sugar exported from this island, not being a hogshead, tierce, or barrel, shall be charged with the export duty on sugar levied under the fifteenth Victoria, chapter thirty-nine, in the proportion which such package shall bear to the hogshead of seventeen hundred weight.

Eighteenth

Eighteenth—As the whole of the duties upon exports imposed by this act, and specified in the schedule hereunto annexed, will not be immediately required for the purposes of immigration, the receiver-general shall, after retaining, for the purposes of this act, the sum of two thousand pounds, transfer the surplus monies to be received therefor, during the financial year terminating on the thirtieth of September, one thousand eight hundred and sixty-one, to the credit of the acts now or to be in force, or otherwise, in aid of the expenditure of the several parishes of this island; and shall, after retaining the sum of four thousand pounds for the purposes of this act for each of the financial years ending on the thirtieth September, one thousand eight hundred and sixty-two, one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-four, and one thousand eight hundred and sixty-five, apply the surplus of the monies to be so received in like manner to the credit of the act or acts now or to be in force, or otherwise in aid of the expenditure of such parishes; and shall, during the financial year terminating on the thirtieth September, one thousand eight hundred and sixty-six, after appropriating the sum of eight thousand pounds for the purposes of this act, apply any surplus monies in like manner in aid of the expenditure of the several parishes, and thereafter the whole amount of the revenue derivable from such duties shall be exclusively applicable for the purposes of this act.

Appropriation of duties' revenue.

Nineteenth—The words in the sixty-fifth clause of the twenty-second Victoria, chapter one, "And the moneys, so paid to the immigration agent, shall be paid by him into the island treasury, to the credit of the immigration fund, by means of which the immigrant has been introduced," shall be expunged; and, in lieu thereof, the immigration agent shall pay all such moneys to the credit of the "Further Immigration Fund, 1861," hereinafter directed to be opened.

Further immigration fund account.

Twentieth—The words in the fourth section of "The Chinese Immigration Act, 1859," (twenty-third Victoria, chapter twenty-nine,) "on payment to the agent-general of immigration of a sum of money equal to the sum or sums which the employer and employers would have been required to pay, if such immigrant had continued indentured for the residue of the full term of five years," shall be expunged therefrom; and, in lieu thereof, any Chinese immigrant, desirous of determining his indenture, shall be at liberty so to do, on payment to the agent-general of immigration of a sum of money equal to the amount required to be paid by any other Asiatic immigrant desirous of determining his indenture.

Rate of money payments by Chinese immigrants in commutation of service under indenture.

Twenty-first

Appropriation of receipts under "Chinese Immigration Act, 1859," (23 Vic. cap. 29.)

Twenty-first—All moneys which shall be received, and paid over by the agent-general of immigration to the receiver-general, under the provisions of the said act, shall be carried by the receiver general to the credit of the "Further Immigration Fund Account, 1861," hereinafter directed to be opened.

Immigration funds accounts.

Twenty-second—So soon as this act shall come into operation the receiver-general shall close the "New Immigration Fund Account," required to be kept by him under the provisions of the said "Immigration Loan Act, 1858," and shall open and keep in his books an account, to be called "The Further Immigration Fund Account, 1861," and shall carry to the debit and credit thereof respectively all the balances at the debit and credit of the account hereinbefore directed to be closed, as also of all other moneys to be from time to time received or paid under the provisions of this act, and all moneys directed by any of the acts herein recited, or before referred to, to be payable out of the account hereby directed to be closed, shall be payable out of any moneys from time to time at the credit of the said "Further Immigration Fund Account, 1861."

Limitation of amount to be borrowed.

Twenty third—The utmost amount of moneys to be borrowed under the authority of the said "Immigration Loan Act, 1858," shall not at any time exceed the sum of one hundred and fifty thousand pounds on the whole, over and above the moneys at the credit of the said "Further Immigration Fund Account, 1861," and those to be invested under the authority of this act.

Appropriation of surplus funds.

Twenty-fourth—If, in any year, there shall be any surplus of the moneys to the credit of the said "Further Immigration Fund Account, 1861," and those to be invested under the authority of this act, after meeting the payments of interest and sinking fund, and all other charges, as hereinbefore directed, it shall be lawful for the governor, with the advice of the executive committee, to apply such surplus for immigration purposes.

Appropriation of surplus under 15 Vic. cap. 39, and 16 Vic. cap. 20.

Twenty-fifth—After making full provision for the remittance from time to time of the amounts required to meet the due and punctual payment of the half-yearly interest on the bonds or debentures already, or to be issued under the authority of the said act, fifteenth Victoria, chapter thirty-nine, and of the act of the sixteenth Victoria, chapter twenty, entitled "*An act to extend, and in aid of the provisions of the act fifteenth Victoria, chapter thirty-nine, entitled 'An act for the raising of moneys to be applied to the introduction of free labourers*

ers, and for other purposes," as well as the annual payments of the said acts, provided for the redemption of the principal of such bonds or debentures, as also of any other principal or interest moneys already charged upon the produce of the duties received, or to be received by the means and powers of the said acts, or either of them, the receiver general shall carry the surplus (if any) of the moneys to be raised thereunder in any year to the credit of the "Further Immigration Fund Account, 1861," provided by this act for immigration purposes.

Twenty-sixth—The export duties raiseable, to be levied under the fifteenth Victoria, chapter thirty-nine, and under this act, shall continue to be raised, collected, and enforced, only so long as there shall be due and owing or unpaid any monies for the introduction of immigrants, or for loans contracted for the purposes of their introduction, for the payment of the principal and interest, whereof full provision shall not have been made.

Duration of duties under 15 Vic. cap. 39.

Twenty-seventh—All appointments, documents, and legal instruments required, or made evidence by this act, or by any other acts herein recited, or by any other act hereafter to be passed relating to immigrants, shall be exempted from stamp duty.

Exemption from stamp duties.

Twenty-eighth—The proviso to the eighth section of the "Immigration Act, 1858," (twenty-second Victoria, chapter one), and the eleventh, twelfth, fifty-ninth, sixtieth, sixty-first, sixty-second, and sixty-third sections of the last mentioned act, and every other section, or part of a section of the same, or any other act relating to the payment by the employers of immigrants of the cost of importation, and incidental expenses as aforesaid, are, and every of them is, hereby respectively repealed, except where in any case it is otherwise provided by this act.

Repeal of enactments.

Twenty-ninth—All and singular acts, and sections of acts now in force relating to immigrants introduced into this island, shall, except in so far as repealed or altered by, or inconsistent with, or repugnant to, the provisions of this act, continue in force, and be read as incorporated with and part of this act, and applicable to the several classes of immigrants, and their children respectively, to which such acts, and sections of acts, originally applied; and that as well in respect to immigrants introduced in the year one thousand eight hundred and sixty, as immigrants to be introduced hereafter, and their children respectively.

Acts kept in force.

L

Thirtieth

Employment of
native Christian im-
migrant as teacher,
&c.

Thirtieth—It shall be lawful for the governor to sanction the employment of any native Christian immigrant, who shall be found competent, as a teacher or instructor of immigrants, in the proportion of not exceeding one in five hundred immigrants, and to make remuneration for such services out of the funds applicable for immigration purposes, at such rate as shall be to the governor, with the advice of the executive committee, seem reasonable.

Date of operation of
act.

Thirty first—This act shall take effect on the passing thereof, except in respect of the export duties imposed thereby, which shall take effect from the date hereinbefore mentioned in such respect; and may be cited, for all purposes, as "*The Further Immigration Act, 1861.*"

THE SCHEDULE TO WHICH THIS ACT REFERS.

Duties on exports imposed thereby.

Every hogshead of sugar exported	Three shillings
Every puncheon of rum exported	Two shillings and six pence
Every tierce of coffee exported	Four shillings
Pimento, per bag of one hundred and twenty pounds, or on every hundred and twenty pounds	Six pence
Logwood, and other dyewoods, lignumvitæ, ebony, and cocus wood, per ton as [at] the rate of	One shilling
Ginger, at the rate of, per cwt.	One shilling
Bees wax, at the rate of, per cwt.	Two shillings
Arrowroot, at the rate of, per cwt.	One shilling
Cocoanuts, at the rate of, per one thousand	One shilling
Honey, at the rate of, per cwt.	One shilling
Mahogany, at the rate of, per M. feet, superficial measure	Five shillings.

FORM No. 1.

FORM OF CONTRACT FOR PAYMENTS BY EMPLOYERS.

We, A. B. and C. D. of, &c. by G. H. of
our true and lawful attorney, duly authorized
in this behalf, do hereby contract and engage with the agent-
general of immigration, or the sub-agent of the district
wherein the parish of *shall be situate*
for the time being, in respect of *(A 21),*
an

an immigrant from _____ indentured to the
 said _____ for _____ years, by
 indenture of equal date herewith, and located on
 estate, in the said parish of _____
 to pay to such agent-general, or sub agent for the time being,
 at the rate of * one pound in advance for each year of service
 subsequent to the first year during which such indenture
 shall continue in force, the first of such annual sums to be
 paid on the _____ day of _____ 18 _____ and the
 moneys hereby intended to be secured shall be deemed a prior
 charge upon the said _____ estate, and shall
 be recovered and enforced under the provisions of the "Im-
 migration Act, 1858," or any other act in force relating to
 immigrants.

As witness our hands, this _____ day of _____

A. B. }
 C. D. } by G. H. their attorney.

* In case of children under twelve years of age, the rate should be stated at ten shillings per annum for each child.

N. B. If the immigrant has been re-indentured, insert "originally indentured to
 by indenture dated the _____ day of _____ and then located on
 estate, but now re-indentured to the said _____ for _____
 years, to be located on _____ estate, in the said parish, by indenture of
 equal date herewith," and proceed as above.

N. B. If the re-indenture is only for one year, no contract for payment of expenses
 will be necessary, as the year's instalments will be paid in advance on execution of
 the re-indenture.

FORM No. 2.

FORM OF AUTHORITY TO DISTRAIN FOR INSTALMENTS DUE IN RESPECT TO THE INDENTURED IMMIGRANTS.

Whereas default hath been made in payment of the several
 instalments due under contracts entered into by A. B. of
 C. D. of _____ &c.
 in respect of immigrants located on
 estate, in the parish of _____ that is to say,
 an instalment of one pound,* payable in advance for the year
 to end on the _____ day of _____ under
 contract, dated _____ day of _____ in, respect
 an immigrant named _____ (A 21), an
 instalment of one pound each, payable in advance for the year

* Or "ten shillings," in case of a child under twelve years of age.

L 2

of

to end on the . day of under con-
 tract dated the day of in respect
 of three immigrants named (B 21),
 (B 22), (B 23), and which several
 instalments amount in the aggregate to the sum of
 pounds: These are therefore to command you
 to levy the said sum of pounds, by distress
 of any goods or chattels to be found upon the said
 estate, in the said parish, upon which a
 landlord might distrain for rent in arrear; and if, within
 fourteen days next after such distress by you taken, with or
 without previous appraisement, the said sum, and the charges
 of distraining and keeping the same shall not be paid, then
 that you do sell the said goods and chattels so by you dis-
 trained, and out of the money arising by such sale, that you
 do pay the said sum of pounds to
 me, to be accounted for under the provisions of the "Immi-
 gration Act, 1858," or any other act or acts in force relating
 to immigration; returning the overplus, if any, on demand,
 to the proprietor, overseer, or manager of the said estate,
 after retaining the charges of distraining and keeping such
 distress.

Given under my hand, this day of
 18

To any policeman of the parish of

No. 3.

FORM OF AUTHORITY TO DISTRAIN, AFTER NEGLECT TO ENTER INTO INDENTURE.

Whereas immigrants from
 having been allotted to A. B.
 C. D. of, &c. for the purpose of being
 indentured on estate, in the parish
 of pursuant to their application of
 date day of (through E. F. their
 attorney), to G. H. esquire, the (then) agent-general of im-
 migration, the said have neglected
 and refused to enter into indenture, and contract, in respect
 of such immigrants, and have forfeited and become liable im-
 mediately to pay the sum of pounds,
 being the amount which they would have been required to
 pay, and enter into contract to pay, if they had entered into
 indenture and contract in respect of each of such immigrants,
 in

in accordance with such application; and have also forfeited and become liable to pay the further sum of

pounds, which I have ascertained and fixed as the cost of food and lodging of such immigrants, incurred by the island between the time of their arrival and the transfer of their services, and which several sums amount in the aggregate to the sum of *which forfeiture, and sum of* *his excellency the governor has been pleased to mitigate, and reduce to the sum of* *(if such be the case):*

These are therefore, &c. (as in the preceding form, filling up the amount to be distrained for, with the full amount of forfeiture, or the mitigated sum, (if the same shall be reduced.)

C A P. XVII.

An act to extend the provisions of the seventeenth Victoria, chapter two, for the warehousing of goods imported into this island, and for the prevention of smuggling, and for other purposes.

WHEREAS it is necessary that the provisions of the seventeenth Victoria, chapter two, entitled "*An act for the warehousing of goods imported into this island, and for the prevention of smuggling,*" should be extended to the port of Black-River: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,*

Preamble.

First—That from and after the passing of this act, the said port of Black-River shall be a warehousing port for the warehousing of goods imported into the said island by ships or other vessels, and the warehouse appointed, or to be from time to time appointed under any act of this island for warehousing rum at the said port of Black-River, shall be the warehouse at such port for the free warehousing and securing of goods therein for the purposes, and in the manner directed by, and subject to the conditions and provisions contained in the said recited act.

Black-River to be a warehousing port for goods imported, and the warehouse appointed for warehousing rum at said port, shall be a warehouse for securing goods, under 17 Vic. cap. 2.

Second—That the several clauses and provisions of the said recited act shall apply and extend to the warehouse from time to time to be established under this act at the said port of Black

Provisions of 17 Vic. cap. 2. shall apply to such warehouse, and to all proceedings relative thereto.

Black-River, and to all proceedings in connection therewith, or in relation thereto.

Person appointed locker and guager under 22 Vic. cap. 14, or any other warehousing act, to perform duty under this act, at a salary not exceeding £ 5, in addition to former salary, and shall be subject to management and discipline of customs' department, &c.

Third—That the person appointed to the office of locker and guager under the act of the twenty-second Victoria, chapter fourteen, or any other act for warehousing rum, shall be appointed to discharge the duties of warehouse-keeper under this act at the said port of Black-River, at a salary, to be fixed by the executive committee, not exceeding twenty-five pounds, in addition to his said salary as locker and guager; and shall, in all matters and respects relating to his duties as warehouse-keeper under this act, be subject to the several provisions of law, and rules and regulations now or hereafter to be in force for the discipline, conduct, and management of the customs' department in this island, and the several officers thereof, as fully and effectually, to all intents and purposes, as any person appointed to any office in the service of the customs' establishment of this island is subject thereto.

C A P. XVIII.

An act further to improve the criminal law, and for the more exemplary punishment of certain offenders.

BE it enacted by the governor, legislative council, and assembly of this island, and it is enacted by the authority of the same, as follows:

Circuit court may award punishment by whipping for certain offences.

First—The several circuit courts of this island respectively, may, in their discretion, award either solely, or, in addition to the punishment now provided by the laws of this island, corporal punishment, by whipping, not exceeding in the whole the number of one hundred and seventeen lashes, to be inflicted on the bare back of any male person, convicted of any one of the following crimes; *videlicet*, arson, burglary, rape, sodomy, bestiality, carnally knowing and abusing children of tender years, or of assault, with intent to commit any of the said crimes, and maliciously cutting, maiming, or destroying any horsekind, horned, or other cattle, or any sheep; or any male person, who shall be convicted a third time, or any greater number of times, of any felony; or any person who shall be convicted of soliciting another to commit a capital felony: *Provided always*, That no greater number than thirty-nine lashes shall be inflicted at one time, and that one month shall elapse between each infliction.

Number of lashes each time.

Second

Second—That any person, who shall be convicted of soliciting another to commit a capital felony, may also, in the discretion of the court, be sentenced to imprisonment, with hard labor in the general penitentiary, or other prison of this island, for a term not exceeding twelve months.

Punishment for solicitation to commit felony.

C A P. XIX.

An act in aid of the "Prisons' Consolidation Act, 1856," (twentieth Victoria, chapter eleven.)

BE it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :

First—It shall be lawful for the governor, if he shall see fit, with the advice of the executive committee, from time to time to make any alteration which may appear advisable, and calculated to effect an improved organization and system in the general management and in the staff of officers and attendants (except only the surgeon and chaplain) of the general and female penitentiary ; and thereupon, from time to time to appoint the officers and attendants whom it may appear necessary or proper for the purpose, and to remove any person so appointed, and to appoint another in his or her room : *Provided*, That the expenditure for the salaries or wages of the officers or attendants, to be from time to time employed at the general penitentiary, shall in no case exceed the amount of the salaries or wages of the officers or attendants now employed thereat.

Governor may make alteration in staff of penitentiary officers.

Proviso.

Second—It shall be lawful for the governor, with the advice of the executive committee, to authorize the employment, or the working of any convict, or person sentenced to hard labor in the general penitentiary, or any prison in this island, in or upon any work or undertaking of public or parochial utility or improvement, subject to the rules and regulations contained in schedule D, annexed to "The Prisons' Consolidation Act, 1856," (twentieth Victoria, chapter eleven), and to direct that the labor of any convict, so employed, shall be paid at the *per capita* rate limited by "The Convict Labor Payment Act, 1855," (eighteenth Victoria, chapter twenty-three), or otherwise, according to the terms of any contract for any particular work ; and it is hereby declared that it shall be lawful for the inspector of prisons to take, or enter into any such contract under the sanction of the governor, with the advice aforesaid.

Convicts may be employed on work of public or parochial utility, subject to rules, &c.

Third

Justices of Trelawny
vested with certain
powers.

Third—The justices of the peace for the parish of Trelawny, in special sessions assembled, shall, in respect to the prison situate at Falmouth, in the said parish, do and perform the several acts, and be charged with the like duties, and be vested with the like powers and authorities, (except those mentioned in the first sub section of the eighteenth section of "The Prisons' Consolidation Act, 1856," being the act of the twentieth Victoria, chapter eleven), as the justices of the peace of the several parishes named in the said eighteenth section of such act are authorized and required, or enabled to do and perform, and are charged and vested with, in respect to the prisons in such several other parishes respectively.

C A P. XX.

An act to provide for the management of the post-office, in this island.

Preamble.

WHEREAS it is expedient to provide for the management of the post office department in this island: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Management of post-office placed in postmaster,

First—The post-office in and throughout shall be managed by the postmaster already or hereafter to be appointed under the authority of this or any former act of the legislature of this island.

who is to make or amend rules subject to sanction of governor, which are to be laid before the legislature; until same made and sanctioned; regulations hitherto in force to continue,

Second—The said postmaster shall be, and he is hereby authorized, from time to time to prepare, alter, or amend all rules, orders, and regulations (subject to the approval of the governor, in executive committee), for the general management, guidance, and conduct of the post-office, and all and every the officers in such department; which rules, orders, and regulations, alterations, or amendments, shall be in force and effect as soon as the same shall have been sanctioned by the governor, in executive committee, and a copy thereof respectively shall be laid before each branch of the legislature within fourteen days after the meeting of the session next ensuing after the making thereof; and, until such rules, orders, and regulations, alterations, or amendments shall be made and sanctioned by the governor, in executive committee, as aforesaid, the post-office shall be regulated, and the officers thereof governed by the rules, orders, and regulations hitherto in practice in the post-office department, under the management and control of the postmaster-general in England.

Power to determine disputes.

Third—If any dispute shall arise between any person and any officer

officer of the post-office in respect to the management or business of the postal department, it shall be lawful for the governor, in executive committee, to dispose of, or determine such dispute in such manner as he may deem just.

Fourth—If, upon the consideration of the facts and circumstances out of which such dispute arose, the governor, in executive committee, shall be of opinion that any penalty or forfeiture has been incurred by any such person, he may, in case he shall be of opinion that the penalty ought to be remitted, remit and forego the same accordingly; or, if he shall be of opinion that a mitigated penalty should be imposed and enforced, may mitigate any such penalty or forfeiture to such an amount as he may deem a sufficient satisfaction for the breach of law or regulation complained of.

Power to remit or mitigate penalty.

Fifth—Previously or subsequently to the commencement of any prosecution for the recovery of any fine, penalty, or forfeiture incurred under any act of the legislature of this island, or any other act in force in this island relating to the post office, it shall be lawful for the governor, in executive committee, if he is satisfied that such fine, penalty, or forfeiture was incurred without any intention of fraud, or that it is inexpedient to proceed in the said prosecution, to mitigate, reduce, or forego altogether such fine, penalty, or forfeiture; and, if commenced, to stop all further proceedings by directing her majesty's attorney-general to enter a *nolle prosequi* or otherwise, on such information or proceeding, if filed.

Power, in other cases, to remit or mitigate penalty, or to discontinue proceedings.

Sixth—All commissions, deputations, and appointments, granted to any officer of the post-office in respect to any office which may be continued under this act, and all contract for the post-office service in force at the time of the commencement of this act, shall continue in force and effect, as if the same respectively had been afterwards granted or entered into, under, and by virtue of the authority of this act, and all bonds which shall have been given by any such officers, or contractors, and their respective sureties, for good conduct, proper performance, or otherwise, shall remain in full force and effect, to the use and benefit of the public of this island; but it shall be lawful for the postmaster, with the sanction of the governor, in executive committee, to require and take fresh security from any office [*officer*] or contractor in such amount, and with such sureties, and to determine any contract, and to enter into any new contract, as he may think fit.

Commissions, contracts, and bonds to remain in force.

Power to require fresh security, or determine contract.

Seventh—It shall be lawful for the governor, in executive committee, by his warrant, from time to time to appoint the hours of general attendance of the respective officers, and other persons in the service of the post-office at their proper offices and places of employment.

Appointment of hours of attendance.

M

Eighth

Exemption of officers
from certain services.

Eighth—No officer of the post-office department shall, during the time of his acting as such officer, or of his being so employed as aforesaid, be compelled to serve in any corporate, or parochial, or other public office or employment, or to serve on any jury, or inquest, or in the militia, any law, custom, or usage to the contrary thereof notwithstanding; nor shall any officer of the general post-office, in Kingston, be engaged in any trade or business.

Prohibition against
engagement in trade,
&c.

Salaries.

Ninth—The officers of the post-office department, whose offices are mentioned in the schedule to this act annexed, shall be paid salaries not exceeding the sums set opposite to the respective offices therein mentioned.

Salaries of deputy
postmasters.

Tenth—The deputy postmasters shall continue to receive, and be allowed the salaries or commissions, in lieu of salaries and allowances now paid or allowed to them respectively, or such salaries or allowances, in lieu of salaries, as the legislature may hereafter fix.

Appointment of post-
master, clerks, &c.

Eleventh—The person already, or to be from time to time hereafter appointed by the governor master of the post-office in this island, shall be styled the postmaster for Jamaica, and the appointment to the office of postmaster, and of the several clerks and deputies, as vacancies occur respectively, shall be made by the governor, who shall have power, from time to time to remove, for incompetency, or neglect, or misconduct in office, any person employed in the post-office service, and to make a new appointment in the room of any person who shall be removed, or shall die, resign, or otherwise vacate his office or appointment: And wheresoever, within this island, posts or post communications are now or may be hereafter established, the governor, with the advice of the executive committee, by the postmaster, and the several clerks and deputies, and their respective servants, and agents, shall have the exclusive privilege of conveying from one place to another, and of receiving, collecting, sending, despatching, and delivering all letters, papers, and parcels, except in the like cases as are respectively excepted in any act for the management of the post-office in the united kingdom of Great-Britain and Ireland.

Privilege of convey-
ing letters, &c.

Rates of postage.

Twelfth—The several rates of inland postage now payable and demandable shall continue to be payable, demandable, and enforceable, in like manner as the same are now paid and enforced through [throughout] this island, but it shall be lawful for the governor, with the advice of the executive committee, by warrant under his hand, to reduce any existing scale of weight; and any rate of inland postage, or either respectively, to any other scale of weight and rate of inland postage, or either of them respectively; and, in any such case, to direct that the postage of all letters posted in this island

Reduction.

island, shall, in every case, be paid at the time of the same being posted, either in money, or being duly stamped with the proper postage stamp or stamps placed thereon; and, in any case of short payment of postage, the amount short paid shall be recovered as is hereinafter in other cases directed, and also to restore or re-impose any scale of weight, or rate of postage, which may have been so reduced to the original scale or amount, as the governor may, with the advice aforesaid, from time to time think fit; and every reduced scale, or rate, or restored, or re-imposed scale or rate respectively, where not required to be prepaid, shall be observed, and be payable and enforceable in like manner as and in lieu of the preceding scale or rate: *Provided*, That in no case shall any rate be established of an amount exceeding the now existing rate for which the same may be substituted.

Prepayment.

Proviso:—
No rate to be established in excess of any now existing rate.

Thirteenth—Any printed copy of the Jamaica Gazette, by authority, purporting to be printed and published by any person having authority to print and publish the same, or, if the publication of the said Gazette shall, from any cause cease, or not be made, then any printed copy of any public newspaper, which is or shall be appointed for the publication of advertizements of a public nature, shall be admitted as evidence in all courts and places of any governor's warrant, or any rule, or regulation, which shall be issued under this act, and contained in any such Gazette, or newspaper; and of the due issuing thereof, and of the rules and regulations contained in any such warrant having been duly made and established, and of the other contents of any such warrant, rule, or regulation, without any further or other proof.

Printed copy of Jamaica Gazette, evidence of governor's warrant, &c.

Fourteenth—The postage of all letters passing through the post-offices in this island, and not intended to be sent out of the island, may, at the option of the parties sending the same, be chargeable on the delivery thereof, as addressed, or be pre-paid in coin, or by adhesive post-office stamps, of the amount chargeable upon such letters, respectively placed thereon, and, in any case in which any letter shall be posted, having thereon, or affixed thereto, any stamp or stamps, the value or amount of which shall be less than the rate of postage to which such letter is liable, the person, to whom the same is addressed, shall be charged with the amount short paid; and, in case of his refusal to receive such letters, or, if he cannot be found, then the postage short paid, with costs, if any, shall be recovered from the sender, in like manner, as any other penalty is provided to be recovered under this act.

As to payment of postage, and recovery of short postage.

Fifteenth—It shall be the duty of every deputy postmaster to receive, and thereafter to deliver, according to the address, any letter prepaid by a payment, in coin, of one penny, or by an adhesive post-

Inter-parochial deliveries of letters.

post-office stamp of that value placed thereon, and which shall be posted at his respective post-office, and be addressed for delivery at call at such post-office to or for any person to whom the same may be addressed; and it shall be lawful for any person desirous of sending from any place, in any parish, a letter directed to any other person at any post-office within the same parish, to prepay his letter by a payment in coin of the sum of two pence, or by adhesive post-office stamp or stamps of that value, and to post such letter, so prepaid, at any post-office of the said parish; and the deputy postmaster of the post-office where such letter shall be posted shall, from time to time deliver such letter, if directed to such post-office, with any other letters which may have been received and be there deliverable, [or] to or for the person to whom the same shall be addressed, or such deputy postmaster, and the deputy postmaster of every intervening post-office within such parish, shall forward the same in due course of post to whatever other post-office in the same parish every such letter shall be directed unto, and the same shall there be deliverable to or for the person to whom the same shall be addressed; and every deputy postmaster shall be liable to the like provisions of law for securing the due receipt, care, and delivery of, and the like penalties for, punishing any default or offence in respect to any letter by this section authorized to be posted and delivered, or transmitted, and delivered as are by law provided in respect to any other letter sent by post.

Provision of post-office stamps.

Sixteenth—The executive committee shall, from time to time provide proper and sufficient post-office adhesive stamps and dies, or other implements for expressing and denoting such rates, or duties, of such value or amount as the governor, with their advice, may direct for the purposes herein mentioned; and it shall be lawful for the receiver-general, on the warrant of the governor, to issue, for the purposes of this act, to the postmaster, such stamps, when the same shall have been provided.

Accounts of ditto.

Seventeenth—The receiver-general, and commissioner of stamps, shall cause a separate account to be kept of all adhesive or other stamps received and issued respectively for the purposes of this act, and of the stamp duties arising under this act.

Post-office stamps within enactments relating to stamp duties.

Eighteenth—The rates or duties which shall be expressed or denoted by any such stamps or dies as aforesaid, shall be denominated and deemed to be stamp duties, and shall be under the care and management of the receiver-general, and commissioner of stamps, for the time being; and all the powers, provisions, clauses, regulations, directions, fines, forfeitures, pains, and penalties contained in, or imposed by the several acts, now or hereafter to be in force

force relating to stamp duties, shall, so far as the same shall be applicable, and may be consistent with the provisions of this act, in all cases not hereby expressly provided for, be of full force and effect with respect to the stamps to be provided or issued under or by virtue of this act; and to the papers on which the same shall be impressed, or to which the same shall be affixed, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the rates or duties denoted thereby, and for preventing, detecting, and punishing all frauds, forgeries, and other offences, relating thereto, as fully and effectually, to all intents and purposes, as if such powers, provisions, clauses, regulations, and directions, fines, forfeitures, pains, and penalties had been herein repeated and specially enacted: *Provided always*, That the receiver-general, and commissioner of stamps, shall not make or allow any allowance or discount on the payment to them of any of the said duties arising under this act, or on the purchase from them of any stamps denoting the said duties.

Proviso.

Nineteenth—All letters, papers, and parcels respectively to or from the united kingdom of Great-Britain and Ireland, any of her majesty's colonies or dominions, which shall have been prepaid according to the respective rates now or hereafter to be established by her majesty's postmaster-general, or other legislative or proper authority, shall pass through the post-offices in this island free of any further or other postage or charge thereon.

Postage of letters, &c. to or from Great-Britain and Ireland and other colonies, &c. —

Twentieth—All moneys received or collected for postage at the general post-office in Kingston, and all moneys remitted by the deputy postmasters to the postmaster, shall be paid by him at the end of every week into the hands of the receiver-general, who shall open and keep, in the books of public accounts, an account, to be entitled "JAMAICA POST-OFFICE ACCOUNT," in which shall be duly entered all items of receipts and expenditure, and all charges received or incurred on account of the management of the post-office department of this island; and any surplus of revenue, after payment of all contingent charges, shall be appropriated to the support of the government of this island.

Appropriation of revenue, and account of receiver-general.

Twenty-first—The postmaster for Jamaica shall keep an account of all monies arising from the duties of postage within this island, as they shall from time to time accrue, and also of all stamps received from the receiver-general, and all other particulars and items of receipts or credits whatsoever, distinguishing the amount, if any, which may continue payable for packet postage or otherwise to her majesty's postmaster-general, and shall also keep an account of all expenditure and charges of the said department, which accounts shall, from time to time, be duly audited under the provisions

Postmaster's account.

Submission to legislature.

provisions of "THE PUBLIC AUDIT ACT, 1857;" the several provisions and powers of which shall extend and apply to all officers, persons, accounts, and things relating to the post-office in this island, and the postmaster shall lay such accounts of receipts and expenditure, made up to the thirtieth day of September in each year before each branch of the legislature within two weeks after the meeting of any session to be held after the said thirtieth day of September, and shall, whenever required, from time to time furnish to the governor a statement of account of such receipts and expenditure, made up to any date to be fixed by the governor, and furnish also all reports, statements, or information that may from time to time be required by the governor.

Reports to governor.

Payment of salaries, and charges.

Twenty-second—All salaries, and other expenses and charges of the post-office department, shall be paid by the receiver-general, by warrant under the hand of the governor, at such times as the governor shall fix for the payment of the same.

Acts kept in force.

Twenty-third—The several laws, at the time of the transfer of the post-office department, in force relating to the post-office in this island shall, so far as the same shall be applicable, continue in force, and regulate the post-office department in this island, as established under this act; and all provisions, powers, and authorities of acts, so far as the same shall be applicable, shall be available, and of force, and may be exercised by the governor, with the advice of the executive committee, or by any judges or justices of the peace, or any officer or servant, or other person employed in, or acting on behalf of the post-office service, according to their respective functions of office, and as the nature of the case may require, and as the same might have been exercisable respectively by the lords of her majesty's treasury, her majesty's postmaster-general, or any judges or justices of the peace, or any officer, servant, or person hereinbefore respectively for the management, or on behalf of such department; and the making, or enforcement, or determining of contracts, and the enjoyment and maintenance of all rights and privileges reserved or secured to the same under any provision of any such act, and for the enforcement of all pains and penalties, or fines against persons offending against any provisions of any such act, and all fines and penalties shall be received, and collected, and paid over to the receiver-general in the same or like manner as other fines and penalties are now received and paid over, and shall be by the receiver-general carried to the credit of the post-office account, and may be appropriated for the use of the government of this island.

Interpretation clause.

Twenty-fourth—Whenever the word "letter" or "letters" is used in this act, the same shall be held to include newspapers, and any

any other packet, paper, article, or thing transmitted by the post, but not so as to deprive newspapers of any privilege they may now legally possess of passing free of postage; and the provisions of this act shall be construed according to the respective interpretations of the terms and expressions contained in the several acts at the time aforesaid, and by this act continued [*continued*] in force relating to the post-office, as far as those interpretations are not repugnant to the subject, or inconsistent with the provisions of this act.

Twenty-fifth—Notwithstanding the expiry or repeal of the act of the twenty-third Victoria, session third, chapter one, for the management of the post-office department in this island, any offence committed against, or penalty incurred under any provision of the said act, or any act thereby continued in force, may be prosecuted and punished, or proceeded for, and enforced respectively as if the said act had not expired, or been repealed.

Punishment of offences &c. under 23 Vic. sess. 3, cap. 1.

Twenty-sixth—That this act shall commence, and be in force from the passing thereof, until the thirty-first day of March, one thousand eight hundred and sixty-three.

Operation of act.

SCHEDULE of Salaries of the Postmaster and Officers of the Post Office Department.

Postmaster, per annum, not exceeding	...	£600	0	0
First clerk, per ditto, ditto ditto	...	355	0	0
Second ditto, per ditto ditto	...	300	0	0
Third ditto, per ditto ditto	...	250	0	0
Fourth ditto, per ditto ditto	...	200	0	0
Letter sorters, per annum, in the whole not exceeding		100	0	0

Messengers and Postmen for Kingston delivery, proposed Salary.

First, at	...	£65	0	0
Second, at	...	60	0	0
Third, at	...	40	0	0
Fourth, at	...	33	0	0
Fifth, at	...	30	0	0
		228	0	0

C A P.

C A P. XXI.

An act in aid of "The Rural Constabulary and Reward Fund Act, 1858," (twenty-second Victoria, chapter six), and to extend the provisions thereof for the establishment of a constabulary within the city and parish of Kingston.

Preamble.

WHEREAS it is expedient to make certain further provisions in aid of the "Rural Constabulary and Reward Fund Act, 1858," (twenty-second Victoria, chapter six), and to establish a constabulary in the city and parish of Kingston for the like purposes, and with the like powers as are provided in respect to the rural constabulary under such act, as amended hereby: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

How meetings for purposes of this act to be convened.

First—All special sessions, required from time to time to be called for any of the purposes of the recited, or of this act, shall be convened in like manner as directed by the third section of the recited act, in respect to the purpose in such section mentioned.

Constables to be paid for his services on certificate,

Second—Every constable already, or to be appointed under this, or the recited act, shall be entitled to be paid for his services on a certificate, which shall be given by the justice by whom he shall have been ordered or called out on duty, and which shall shew the service for which he was called out, the period of service, and the sum payable therefor, agreeably to the provisions of the recited act.

which certificate must be delivered to police inspector, and by him transmitted to commissioner for examining accounts, &c. and pay drawn for with police pay.

Third—Every such certificate shall, by the constable in whose favor it shall be given, be delivered to the inspector, or nearest sergeant of police of the parish in which such constable resides, and the inspector of police for such parish, or the district in which such parish is situate, shall collect every certificate so delivered to himself, or the sergeants of his division, and transmit the same to the commissioner for examining the public accounts at such period at which he shall forward the bills for the police pay of his division; and shall, together with the police pay aforesaid, draw from the receiver-general the amount which shall be certified by the commissioner to be payable, and for the payment of which the governor's warrant shall be issued on such certificates, and shall, at each monthly district court of every parish, except Kingston, and, in Kingston, at the first court of petty sessions to be held next after so drawing the same, pay, or cause to be paid to the several

several constables, the several sums to which they shall respectively be entitled for their services as aforesaid.

Fourth—All such payments shall be made in the presence of the justices present at such respective court, who shall superintend such payments; and, in case of any question arising in any respect, the said justices shall have power to give directions for the settlement of such question; and if only one present, or if for that or any other reason there shall be no court, at the usual monthly period, the inspector shall make the payments aforesaid in the presence of any justice, who may be present, and who shall superintend the same, and have the like power as aforesaid of settling any question.

Payments to be superintended by justices, who are to settle disputes, &c.

Fifth—If there be no justice present, the inspector shall nevertheless make the payments to the several constables present, and the inspector shall lay before the justices or justice present a statement of all payments to constables, as herein directed; and, where no justice shall be present, then a return thereof to the next district or other court of petty sessions after the same shall be made respectively; and every such statement, and return, shall be preserved by the clerk of the magistrates of the said parish; and the several inspectors shall take all the means in their power of notifying to the constables under the recited and this act in their several districts, that payment for their services will be made at the times and in the manner herein directed.

In absence of justice, inspector may pay, and make return of same.

Sixth—The custos, and justices of the parish of Kingston, shall, at or [a] special sessions to be for such purpose convened, from time to time appoint, according to the best of their knowledge and discretion, fit and proper persons, being male inhabitants, who may be willing to serve as constables within the city and parish of Kingston, and as constables generally, if need be, who shall be called the "*Kingston Constabulary*," and shall be from time to time appointed, and may be dismissed, or suspended, and vacancies shall be filled up in like manner.

Appointment of constables, and how they may be dealt with.

Seventh—Such constables shall be charged with the like duties, and vested with the like powers, authorities, and protections, and be entitled to the like benefits and privileges, and be furnished with the like warrant, baton, and badge, and shall in all respects be subject to the obligations and provisions of the recited, and of this act, as fully and effectually, to all intents and purposes, as by such recited, and this act, it is enacted and provided in respect to the rural constabulary of any other parish.

Duties, and privileges of constables.

Eighth—The custos, and justices, clerk of the peace, and inspector of police of the said parish of Kingston, and all other persons
N
whosoever

All persons subject to provisions of 22 Vic. cap. 6, and this act.

whosoever, shall respectively observe, perform, and execute, and be subject unto the several provisions of the recited, and of this act, as the same may be severally applicable or observable by such custos, and justices, and officers, and persons respectively, in respect to the constabulary to be so appointed in the parish of Kingston under this act, as the custos, and justices, clerk of the peace, and inspector of police of any parish, and other persons respectively are required to execute, or are subject unto, such several provisions in respect to the rural constabulary of any other parish.

Custos need not be present at appointment nor dismissal of constable.

Ninth—That it shall not be necessary for the custos to be present at a special session of the peace for appointing, dismissing, or suspending any constable appointed, or to be appointed under this or the said recited act.

Duration of this act.

Tenth—That this act shall continue in force from the passing thereof until the thirty-first day of March, one thousand eight hundred and sixty-four.

C A P. XXII.

An act to authorize the transfer of insane prisoners from the prisons to the lunatic asylum.

Preamble.

WHEREAS doubts exist whether persons confined in the general penitentiary, or other prisons of this island, who may have become lunatic, or of unsound mind, can be legally removed to the lunatic asylum of Kingston: *Be it enacted by governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,*

Medical officer to certify to governor when prisoner becomes insane, and should be removed to lunatic asylum.

First—That in every case in which any person under sentence in the general penitentiary, or other prison of this island, shall become insane, or of unsound mind, and the surgeon, or medical officer of such prison shall deem it proper that such person should be removed to the lunatic asylum for safe keeping, and for treatment, it shall be the duty of such surgeon, or medical officer, forthwith to certify the same to the governor for the time being.

Superintendent to deliver lunatic to proper authorities on receiving governor's warrant to do so.

Second—That it shall be lawful for the governor, or person exercising the functions of governor, on receipt of such certificate to sign, and transmit his warrant to the superintendent of the general penitentiary, or prison, authorizing him to deliver up to the proper authorities, at the lunatic asylum, the prisoner so certified to be insane.

Third

Third—That as soon as any such transferred lunatic prisoner shall become sane, or of sound mind, it shall be the duty of the medical officer of the lunatic asylum to certify the same to the governor for the time being.

Medical officer of lunatic asylum to certify lunatic's recovery to governor,

Fourth—That the governor, or person exercising the functions of governor, on the receipt of such last-mentioned certificate from the medical officer of the lunatic asylum, shall forthwith sign and transmit his warrant to the inspector and director of the lunatic asylum, authorizing him either to discharge the said person, if his period of sentence has expired, or, if not, to transfer him or her back to the penitentiary or prison from whence he or she came, there to remain for the then unexpired period of his or her sentence.

who may discharge, or transfer him back to prison.

C A P. XXIII.

An act to amend the twenty-third Victoria, chapter six, entitled "An act to amend the laws relating to the Bath of Saint Thomas the Apostle."

WHEREAS the act of the twenty-third Victoria, chapter six, relating to the Bath of Saint Thomas the Apostle, is rendered inoperative, or nearly so, by reason of the election of directors being required to be made of five persons resident in the parish, or ecclesiastical district of Bath, and difficulty is experienced in obtaining sufficient resident persons to fill such offices from within those limits, and it is desirable to extend the area of selection : *Be it enacted by the governor, legislative council, and assembly, and it is hereby enacted by the authority of the same,* That so much of the said law as requires the election of directors to be made from within the limits of the parish, or district of such portion of Saint Thomas in the East, shall be repealed ; and that from and after the passing of this act such election shall be made from persons resident in the parish of Saint Thomas in the East.

Preamble.

Portion of 23 Vic. cap. 6, repealed, and directors to be elected from persons resident in St. Thom. ye East.

C A P. XXIV.

An act to relieve renouncing executors.

BE it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :

Executor or executrix, who have not acted as such, and shall execute and record deed of renunciation, shall be discharged from all trust, &c.

First—That any person named and appointed an executor or executrix, who shall not have in any way acted or interfered with the estate of his or her testator or testatrix, and who shall at any time execute and record, in the office of the secretary of this island, a deed of renunciation, and disclaimer of such office and appointment of executor or executrix, shall, immediately on the record of the said deed of renunciation, be absolutely relieved and discharged of the said trust ; and shall not be joined as a plaintiff or a defendant in any action, suit, or proceeding in any court of this island.

Persons executing or recording such deed, deemed to have abandoned for ever all right or claim as executor or executrix, &c.

Second—Every person who shall execute and record, in the office of the secretary of this island, such deed of renunciation, and disclaimer of such office and appointment of executor or executrix, shall be deemed and taken to have for ever abandoned and surrendered all right, title, interest, and claim to the office and appointment of executor or executrix under the will of the person by whom he or she was so named and appointed an executor or executrix, and shall not at any time thereafter be entitled to claim, or have granted to him or her, probate of the will of his or her testator or testatrix.

C A P. XXV.

An act to enable Henry Vendryes, of the city and parish of Kingston, gentleman, to practice as an attorney, solicitor, and proctor of the several courts of this island.

Enacted.

WHEREAS the said Henry Vendryes has served for a period of five years and upwards as a student of the law, in a solicitor's office, but two years of that service were not under articles of clerkship, as required by the acts of this island in force : *And whereas* it would tend much to the advantage of the said Henry Vendryes were an act passed to enable him to count the said two years

years in his term of service, and be at once declared eligible for admission to practice in the several courts of this island: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by authority of the same, as follows; that is to say,*

That from and immediately after the first day of the next June grand court it shall and may be lawful for the said Henry Vendryes to be admitted as an attorney, solicitor, and proctor of the several courts of this island, upon being examined and approved of in the same manner as articulated clerks usually are prior to admission to practice; and that from and after such admission the said Henry Vendryes shall enjoy all the rights, privileges, immunities, profits, and emoluments arising therefrom, in the same manner as any of the attorneys, solicitors, and proctors in this island now do, or may at any time hereafter take, receive, and enjoy the same, any law, custom, or usage to the contrary in anywise notwithstanding.

After the first day of next June grand court, H. Vendryes to be admitted to practice as a solicitor, &c. upon being examined,

and to enjoy all rights, privileges, and emoluments arising therefrom.

C A P. XXVI.

An act to provide, by way of loan, not exceeding forty thousand pounds in the whole, for the repayment, to the public revenue, of monies borrowed thereout, on account of main road expenditure, and for the further maintenance and construction of main roads and bridges.

WHEREAS it is necessary to provide for the repayment, to the public general revenue, of the sum of seventeen thousand eight hundred and ninety pounds nine shillings and three pence, expended thereout in the improvements of the main roads of this island, and likewise for the interest, for the current year, on the loan raised under "The Main Road Fund Act," (twenty-first Victoria, chapter thirty-four); and it is also necessary to provide further funds for the maintenance and construction of main roads and bridges: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble.

First—The governor, with the advice of the executive committee, shall have full power and authority to borrow and raise, either in this island, or in Great Britain, by bond, debenture, or otherwise, such sum, not exceeding in the whole the sum of forty thousand pounds, for the purposes of this act, as the same shall be required, in like manner as is prescribed, and with the same powers as are given by the third and fourth sections of "The Main Road Fund

Governor authorized to borrow, or raise, by debenture, not exceeding £40,000, for purposes of this act, &c.

Proviso :—No money in receiver-general's office, bearing interest, or otherwise, to be used for purposes of this act.

Fund Act, one thousand eight hundred and fifty-seven," twenty-first Victoria, chapter thirty-four : *Provided always*, That it being the object of this act that the sum required to be borrowed shall be obtained by loan in Great-Britain, or in this island, nothing contained herein shall be construed into empowering the governor, and executive committee, to borrow any moneys, bearing interest, in the receiver-general's office, or any moneys whatever that are or may be in said office belonging to the public, for the purposes of this act, and placing as security, in lieu thereof, bonds or debentures authorized to be issued thereunder.

Half-yearly interest to be paid out of monies at credit of main road fund account, or, if deficient, out of other unappropriated funds, &c.

Second—The receiver-general shall, from time to time, pay the half-yearly interest, as the same shall fall due, on all bonds or debentures payable in this island ; and shall remit to the agent or agents in Great-Britain, at a convenient time before the same shall fall due, such monies as shall be required for payment of the half-yearly interest to fall due, and be then payable, such interest to be payable out of any monies then at the credit of the main road fund account ; or, if the same shall at any time be deficient, such deficiency shall be made good out of any other unappropriated public revenue in his hands, but to be repaid after the first and readiest monies afterwards to come to his hands on account of such main road fund.

Monies at credit of "Main Road Fund," to be invested for purposes of a sinking fund, for redemption of principal monies.

Third—The receiver-general shall, from time to time, in and after the year one thousand eight hundred and sixty-two, under warrant of the governor, invest any monies, at the credit of the "Main Road Fund," at interest, in such securities in this island, or in the public funds in Great Britain, and accumulate the interest to be from time to time received on such investments, when and as the governor, with the advice of the executive committee, shall, by his warrant, direct, for the purposes of a sinking fund, to meet the redemption of the principal monies expressed in any bond or debenture to be issued under the authority of this act, when and as the same shall become payable.

To what credit monies received under this act to be carried, and to what fund interest so be charged, &c.

Fourth—All monies, to be raised or borrowed under the provisions of this act, shall be paid to the receiver-general, and carried to the main road fund account, directed to be kept under "The Main Road Fund Act, one thousand eight hundred and fifty-seven," twenty-first Victoria, chapter thirty-four, and shall be transferred to the management of the main road commissioners for the purposes of this act, and shall be entered as "The Main Road New Loan Fund ;" and the interest on all monies, so raised, or borrowed, shall be a charge upon the monies carried to the credit of such fund ; and, if such fund shall prove insufficient, the credit of the island shall stand pledged for any deficiency.

Fifth

Fifth—From and after the first day of January, one thousand eight hundred and sixty-two, no land tax due, or chargeable on any land in this island, shall be redeemable, anything in any act to the contrary notwithstanding; but all lauds, whereon the land tax shall have been, up to such first day of January, one thousand eight hundred and sixty-two, redeemed, according to the provisions of any act of this island, shall hereafter remain redeemed and exempt from such tax, as they would otherwise have been if this act had not been passed.

Land tax not redeemable after 1st Jan. 1862; but such land as has been redeemed to that date to remain exempt from tax.

Sixth—It shall not be lawful for the island secretary to record any deed relating to lands (except leases), the probate whereof shall bear date subsequently to the passing of this act, or any patent which shall bear date subsequently to the passing of this act, unless the certificate of the receiver-general shall be endorsed upon such deed or patent that the land tax, and all arrears thereof, (not exceeding five years), payable on the lands thereby conveyed, or granted, or mortgaged, hath been fully paid and discharged; and the receiver-general shall take a docket of such deed, and shall receive therefor the sum of ten shillings from the party obtaining such certificate, which fee shall be appropriated as the fees of the receiver-general are by the "Main Road Fund Act" directed to be appropriated; and the island secretary shall be entitled to a fee for recording such certificate, and after the rate of one shilling and six pence per legal sheet of one hundred and sixty words, or parts thereof.

No deed to be recorded, the probate of which is subsequent to the passing of this act, without receiver-general's certificate that land tax has been fully paid, &c.

C A P. XXVII.

An act to provide for the issue of exchequer bonds, to meet the public liabilities at thirtieth of September, one thousand eight hundred and sixty.

WHEREAS the liabilities of the island, as of the thirtieth day of September last, have been found to exceed the assets applicable thereto, and it is desirable to provide means to cover the deficiency: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

First—The governor, with the advice of the executive committee, is hereby empowered to borrow and raise, in this island or elsewhere, as may be deemed advisable, by bond, debenture, or otherwise, such sums, not exceeding in the whole the sum of (twenty thousand pounds), for the purposes of this act, if, and as the same shall from

Governor to raise money by bond, or otherwise, for purposes of this act.

which shall be in sums of £200 to £1000, be transferable, and interest paid half-yearly at 6 per cent.

No bond to be issued until amount in the chest shall fall below £10,000.

Lost, destroyed, or defaced bond renewable, upon indemnity being given.

Before bond can be received, notice must be published.

Half-yearly interest to be paid.

from time to time be required, but not otherwise; and all bonds and debentures, to be granted under this act, shall be signed by at least two of the members of the executive committee, and countersigned by the secretary of the executive committee; and such bonds and debentures shall be in such form as the governor, with the advice of the executive committee, shall determine; and shall be transferable and negotiable, and shall be drawn for sums ranging from two hundred to one thousand pounds, and shall bear interest at a rate not exceeding six per cent. per annum, and which interest shall, by such bonds or debentures, be made payable half-yearly at the island treasury, and the principal sum secured by every such bond or debenture shall be made redeemable, at the furthest, at the end of such period not exceeding four years from the date thereof, as the governor, and executive committee, may deem advisable: *Provided*, That no bond or debenture shall be issued under the provisions of this act, unless and until the amount in the chest of the receiver-general of this island shall fall below the sum of ten thousand pounds.

Second—In case any bond or debenture shall be lost, or destroyed, or defaced, the governor, with the advice of the executive committee, may renew any such bond or debenture by substituting therefor a copy, in all respects, of the lost, destroyed, or defaced bond or debenture, except the signatures to be attached thereto, upon indemnity being given satisfactory to the governor, in executive committee, in the case of the production of any bond or debenture alleged to have been lost or mislaid, against any loss, damage, or expence to be incurred in making or resisting payment of the original bond or debenture; or, in case of a defaced bond or debenture, upon the delivery up of the same to be cancelled, and which defaced and cancelled bond shall be carefully preserved: *Provided*, That before any bond or debenture shall be received as aforesaid, notice shall be published, for four consecutive weeks, in the Jamaica Gazette, by authority, of the date, number, and other particulars of any bond or debenture alleged to be lost or destroyed, and desired to be recovered.

Third—The receiver general shall, from time to time, pay the half-yearly interest, as the same shall fall due, on all bonds or debentures, out of any unappropriated moneys in the public treasury.

C A P. XXVIII.

An act to continue in force, for a limited period, "The Tax Collection Acts, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight," (twenty-first Victoria, chapter forty-three, and twenty-second Victoria, chapter forty-two.) ANNUAL.

C A P. XXIX.

An act to continue in force, for a limited period, an act, entitled "An act to provide for the imposition and payment of duties on stills, and for other purposes." ANNUAL.

C A P. XXX.

An act to continue in force, for a limited period, an act, entitled "An act to provide for the licensing of drays, carts, and other conveyances." ANNUAL.

C A P. XXXI.

An act to continue in force, for a limited period, "The Fire Arms' Registration and License Acts," (twenty-second Victoria, chapter twenty-five), and (twenty-third Victoria, chapter twenty-two.) ANNUAL.

C A P. XXXII.

An act to continue in force, for a limited period, "The License and Registration Duties' Acts," (twenty-first Victoria, chapter forty, twenty-second Victoria, chapter thirty-four, and twenty-third Victoria, chapter thirty-eight), and to make certain further provisions in aid of parochial expenditure. ANNUAL.

C A P. XXXIII.

An act for granting to her majesty certain sums of money, required for defraying certain expenses of the civil government, and certain other expenses connected with the public service, for the year one thousand eight hundred and sixty-one. ANNUAL.

THE

ANNUAL LAWS OF JAMAICA

OF

THE SESSION OF 1860—61.

Shewing the Number of the Page on which each Act commences.

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limited period, an act, entitled "An act to provide for the im- position and payment of duties on stills, and for other purposes"	3	a limited period, "The License and Registration Duties' Acts," (twenty-first Victoria, chapter forty, twenty-second Victoria, chapter thirty-four, and twen- ty-third Victoria, chapter thirty- eight), and to make certain further provisions in aid of pa- rochial expenditure	6
30. An act to continue in force, for a limited period, an act, entitled "An act to provide for the li- censing of drays, carts, and other conveyances"	4	33. An act for granting to her ma- jesty certain sums of money, re- quired for defraying certain ex- penses of the civil government, and certain other expenses con- nected with the public service, for the year one thousand eight hundred and sixty-one	11
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32. An act to continue in force, for			

T H E

ANNUAL LAWS OF JAMAICA.

ANNO REGNI VICESIMO QUARTO VICTORIÆ.

C A P. XIV.

An act to continue in force, for a limited period " The Stamp Duty Act, 1855," (eighteenth Victoria, chapter twenty-seven), and all other acts, and parts of acts, passed subsequently thereto, relating to the imposition of stamp duties.

WHEREAS "The Stamp Duty Act, 1855," (eighteenth Victoria, chapter twenty-seven), and the several other acts passed relating to "The Stamp Duty Act, 1855," and all other acts, and parts of acts, subsequently passed, and relating to the imposition of stamp duties, were, by an act made and passed one [on] the twenty-eighth day of December, one thousand eight hundred and fifty-nine, continued in force until the thirty-first day of March, one thousand eight hundred and sixty-one: *And whereas* it is expedient that the said "Stamp Duty Act, 1855," and the several other recited acts, and parts of acts, should be further continued in force: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :*

Preamble.

That "The Stamp Duty Act, 1855," (eighteenth Victoria, chapter twenty-seven), and the several other acts, passed relating

"The Stamp Duty Act, 1855," (18 Vic. cap. 27), and all acts relating to imposition

A

lating

of stamp duties, continued in force till 31st March, 1862.

lating to "The Stamp Duty Act, 1855," and all other acts, and parts of acts, subsequently passed, and relating to the imposition of stamp duties, shall be, and are hereby continued, and shall remain in force up to and until the thirty-first day of March, in the year one thousand eight hundred and sixty-two.

C A P. XV.

An act to continue in force, for a limited period, an act, entitled "An act to raise a supply, for the use of the government of this island, by a duty on articles imported, and to appropriate the same."

Preamble.

Import duty act, passed 22d Dec. 1859, continued in force till 31st March, 1862.

WHEREAS an act, entitled "*An act to raise a supply, for the use of the government of this island, by a duty on articles imported, and to appropriate the same,*" made and passed on the twenty-second day of December, one thousand eight hundred and fifty-nine, will expire on the thirty-first day of March, one thousand eight hundred and sixty-one: *And whereas* it is expedient that the said act be continued in force until the thirty-first day of March, one thousand eight hundred and sixty-two: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,* That the said recited act, entitled "*An act to raise a supply, for the use of the government of this island, by a duty on articles imported, and to appropriate the same,*" and every article, clause, schedule, matter, and thing therein contained, or thereto annexed, be continued in force, from the said thirty-first day of March, one thousand eight hundred and sixty-one, until the said thirty-first day of March, in the year one thousand eight hundred and sixty-two.

C A P.

C A P. XXVIII.

An act to continue in force, for a limited period, "The Tax Collection Acts, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight," (twenty-first Victoria, chapter forty-three, and twenty-second Victoria, chapter forty-two).

WHEREAS "The Tax Collection Acts, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, (twenty-first Victoria, chapter forty-three, and twenty-second Victoria, chapter forty-two), will expire on the thirty-first day of March, one thousand eight hundred and sixty-one; and it is expedient that the said acts be continued in force, as hereinafter mentioned, until the thirty-first day of March, one thousand eight hundred and sixty-two: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,* That the recited "Tax Collection Act, one thousand eight hundred and fifty-seven," (twenty-first Victoria, chapter forty-three), or the provisions thereof, not repealed, and as the same act is altered or amended by the next-mentioned act; and also that the recited "Tax Collection Act, one thousand eight hundred and fifty-eight," (twenty-second Victoria, chapter forty-two), and every article, clause, matter, and thing therein contained respectively, not repealed, and as altered or amended as aforesaid, shall be continued in force from the said thirty-first day of March, one thousand eight hundred and sixty-one, until the said thirty-first day of March, in the year one thousand eight hundred and sixty-two.

Preamble.

"The Tax Collection Act, 1857,"

and also "The Tax Collection Act, 1858," and all matters therein, not respectively repealed, continued in force till 31st March, 1862.

C A P. XXIX.

An act to continue in force, for a limited period, an act, entitled "An act to provide for the imposition and payment of duties on stills, and for other purposes."

WHEREAS an act, entitled "An act to provide for the imposition and payment of duties on stills, and for other purposes," made and passed on the twenty-eighth day of December, one thousand eight hundred and fifty-nine, will expire on the thirty-first day of March, one thousand eight hundred and sixty-

Preamble.

B

sixty-

The act to provide for the imposition and payment of duties on stills, continued in force until 31st March, 1862.

But, in lieu of 10th March, the 28th of current March substituted and appointed as the day after which still licenses shall be applied for and obtained, &c.

which is to continue in force till 27th March, 1862.

Additional duty, charged under sec. 10 of recited act, to be paid during 1861.

License obtained after 10th March, 1861, sufficient for using stills during continuance of this act.

sixty-one: *And whereas* it is expedient that the said act be continued in force until the thirty-first day of March, one thousand eight hundred and sixty-two: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,* That the said recited act, entitled "*An act to provide for the imposition and payment of duties on stills, and for other purposes,*" and every article, clause, matter, and thing therein contained, be continued in force from the said thirty-first day of March, one thousand eight hundred and sixty-one, until the said thirty-first day of March, in the year one thousand eight hundred and sixty-two; but, in lieu of the tenth day of March, the twenty-eighth day of the current month of March shall be substituted, and is hereby appointed, as the day on, from, and after which still licenses shall be applied for, and obtained, as by the said act directed, and according to the several provisions thereof, and subject to the several penalties thereby imposed for any offence against the same, or any of such provisions respectively, or any default or neglect, contrary to the several or any of the requirements of the said act; and every license, so obtained, shall continue in force until the twenty-seventh day of March, one thousand eight hundred and sixty-two; and the additional license duty, chargeable under the tenth section of the said act, shall be demanded and paid, or enforced as therein provided in every case, for any larger quantity of spirits than two thousand five hundred gallons, made during the year one thousand eight hundred and sixty-one: *Provided,* That any license obtained on or after the tenth day of March, one thousand eight hundred and sixty-one, according to the provisions of the said act, shall be a sufficient license for keeping and using any still for the distillation of the quantity of spirits in any such license mentioned, during the continuance of this act.

C A P. XXX.

An act to continue in force, for a limited period, an act, entitled "An act to provide for the licensing of drays, carts, and other conveyances."

Preamble.

WHEREAS an act, entitled "*An act to provide for the licensing of drays, carts, and other conveyances,*" made and passed on the twenty-fourth day of December, one thousand eight hundred and fifty-six, will expire on the thirty-first day of March, one thousand eight hundred and sixty-one: *And whereas* it is expedient that the said act be continued in force until the thirty-

thirty-first day of March, one thousand eight hundred and sixty-two: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, That the said recited act, entitled "An act to provide for the licensing of drays, carts, and other conveyances," and every article, clause, matter, and thing therein contained, shall be continued in force from the said thirty-first day of March, one thousand eight hundred and sixty-one, until the thirty-first day of March, in the year one thousand eight hundred and sixty-two.*

The act passed in the year 1856 for licensing drays, carts, and other conveyances, continued in force until 31st March, 1862.

C A P. XXXI.

An act to continue in force, for a limited period, The Fire-Arms' Registration and License Acts, (twenty-second Victoria, chapter twenty-five), and (twenty-third Victoria, chapter twenty-two).

WHEREAS two certain acts, respectively entitled "*An act for registering and licensing fire-arms,*" made and passed on the thirty-first day of December, one thousand eight hundred and fifty-eight, and "*An act to amend the 'Fire Arms' Registration and License Act, one thousand eight hundred and fifty-eight,*" (twenty-second Victoria, chapter twenty-five)," made and passed on the twenty-eighth day of December, one thousand eight hundred and fifty-nine, will expire on the thirty-first day of March, one thousand eight hundred and sixty-one: *And whereas it is expedient that the said acts be continued in force, as hereinafter mentioned, until the thirty-first day of March, one thousand eight hundred and sixty-two: Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, That the recited act, entitled "An act for registering and licensing fire-arms," or the provisions thereof, not repealed, and, as altered or amended by the next mentioned act, and the recited act, entitled "An act to amend the 'Fire-Arms' Registration and License Act, one thousand eight hundred and fifty-eight," and every article, clause, matter, and thing therein contained respectively, not repealed, and, as altered or amended as aforesaid, shall be continued in force from the said thirty-first day of March, one thousand eight hundred and sixty one, until the said thirty-first day of March, in the year one thousand eight hundred and sixty-two.*

Preamble.

The "License and Registration Duty Act, 1858," and the act to amend the same, continued in force until 31st March, 1862.

C A P. XXXII.

An act to continue in force, for a limited period, "The License and Registration Duties Acts," (twenty-first Victoria, chapter forty, twenty-second Victoria, chapter thirty-four, and twenty-third Victoria, chapter thirty-eight), and to make certain further provisions in aid of parochial expenditure.

Preamble.

WHEREAS "The License and Registration Duty Acts, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight," (twenty-first Victoria, chapter forty, and twenty-second Victoria, chapter thirty-four); and the act of the twenty-third Victoria, chapter thirty-eight, to amend the same, will expire on the thirty-first day of August, one thousand eight hundred and sixty-one; and it is expedient to continue the several acts in force, and to make such further provision for the support of the government of this island as hereinafter mentioned: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

The above recited acts now in force, to continue so until 31st July, 1862.

First—The several recited acts, and each of them, or the several provisions and enactments thereof respectively, not repealed at any time since the passing thereof, and as the same now are altered or amended respectively, are, and is hereby continued in force from the said thirty-first day of August, one thousand eight hundred and sixty-one, until the thirty first day of July, one thousand eight hundred and sixty-two, except as next mentioned.

A tax of 1s. 6d. in the £ to be levied on houses of the value of £16 per annum on and after 1st August, 1861.

Second—On, from, and after the first day of August, one thousand eight hundred and sixty-one, in lieu of the house tax under such acts payable, there shall be levied a tax, or duty, for each house, of the annual value of fifteen pounds, or upwards, at the rate of one shilling and six pence in the pound of such value; and such annual value shall be ascertained in like manner as the annual value under the recited acts, or either of them, is provided to be ascertained: And, in addition to the rates, taxes, and duties imposed by, and payable under the recited acts, or any of them, there shall be levied the understated rates, taxes, and duties on the undermentioned objects of property; that is to say,

And also the undermentioned rates on certain property.

On every head of breeding stock (six pence)	0 0 6
On every head of working cattle (six pence)	0 0
	On

On every head of horsekind, and every mule used solely in and about the cultivation, and within the confines of any estate, plantation, or pen (six pence) ...	0	0	6
On each head of sheep (two pence)	0	0	2
On each canoe, wherry, or other boat plying for hire, on any of the rivers, harbours, or coasts of this island (boats or vessels called droghers, and ship's boats excepted,) (twenty shillings)	0	20	0

Third—Every object of property by this act charged with any substituted, or additional, or new tax, or duty, or rate of tax, or duty, shall be returned, and given in for; and every substituted additional new or other tax, or duty, or rate of tax, or duty, respectively by this act imposed, shall be paid, or may be recovered, levied, and enforced in like manner, at the like time, and subject to; and together with, the like respective penalties for default in any respect as taxable or dutiable property; and any tax or duty, payable under either of the recited acts, are or is required to be returned and given in for, or paid, or may be recovered, levied, or enforced.

Property by this act charged with new or substituted taxes, to be given in.

Fourth—The duties on breeding stock, working cattle, and estates, plantations, and pen, horsekind, and mules, and on sheep, canoes, wherries, and other boats, and on houses, shall be appropriated in aid of the expenditure of the several parishes.

Appropriation of duties, or taxes.

Fifth—The executive committee may refund any amount of license duty which may appear to them to have been overpaid.

Overpaid amount of license duties to be refunded.

Sixth—In lieu of the forms of return or ingiving, and of license by the recited acts, or any of them prescribed, the annexed forms, number one, and number two, may be respectively used, with such modifications or alterations as circumstances may require.

Forms, &c. annexed, may be used instead of those in recited act.

9 23 41 11

Seventh—This act shall be read as incorporated with, and as part of the recited acts, or such provisions thereof respectively as now are unrepealed, and as the same stand altered or amended respectively.

This act to be incorporated with recited acts.

FORM

FORM No. 1.

JAMAICA, ss.

AN ACCOUNT of Property Taxable under The License and Registration Duties Acts, twenty-fourth Victoria, chapter and in possession of me, and of any inmate, or member of my family, (except such as is already returned, or intended to be returned by and inmates, or members of my family), on the first day of 186

Description of Taxable Property.	Number of each description of Taxable Property.		Number of Wheels and Horsekind, &c. &c.	Name of Property, Town, &c. where Kept.	Amount of Duty on each Wheel, &c.	Total Amount of each Item.	Gross Aggregate.
Carriages.....	5	One with four wheels, four with less than four wheels			15s.		
	6	Used in the business of a livery stable keeper, two with four wheels, four with less than four wheels			10s.		
Horsekind.....	40	Used for riding, draft, or carriage of commodities; one stallion, ten mares, fifteen geldings, and fourteen mules			11s.		
	12	Used in the business of a livery stable keeper; one stallion, two mares, six geldings, and three mules			7s.		
Asses.....	3	Used for riding, draft, or carriage of commodities			3s. 6d.		
Breeding stock....	160	Sixty-two horsekind; namely, two stallions, ten mares, twenty geldings, ten asses, ten followers, and ten mules, not being working stock. Ninety-eight horned stock; namely, three bulls, fifty cows, and forty-five progeny, not being working stock			1s.		
Working stock.....	200	Bulls, steers, and heifers, horsekind, mules			6d.		
Sheep	100	One hundred			2d.		
Passenger or freight canoes, wherries, or boats.....	6	Six			20s.		

HOUSE PROPERTY.	Annual Value.	Rate, per £.	Total Amount of each Item.
A House, No. street, Kingston ...		1s. 6d.	
A House, &c. at Bellevue Pen, St. Andrew			
A Store, or Warehouse, No.			
A Wharf at			
A Shop at			
An Office, Counting House, or other place of Business			
Gross Total ...			

I, A. B. of the parish of esquire, do solemnly and sincerely declare, that the above return contains a full, just, and true account of all property in my possession in the parish of and liable to the duties, or proportional part of duty, under "THE LICENSE AND REGISTRATION DUTIES' ACTS," twenty-four Victoria, chapter (except such as is already returned, or intended to be returned by and inmates of my family).

A. B.

*Declared before me, this }
day of 186 }*

*C. D. j. p.
or E. F. collector of dues for the parish of*

*Received this day of 186 the
sum of for the full taxes and duties (or
first, or remaining moiety of the above or within taxes and
duties).*

E. F. collector of dues for the parish of

FORM

FORM No. 2.

Jamaica, ss. }

**LICENSE UNDER THE LICENSE AND REGISTRATION DUTIES' ACTS,
TWENTY-FOUR VICTORIA, CHAPTER**

I do hereby certify, That *of the parish of*
is licensed to keep and use, until the 31st day of July, 186

Carriages with four wheels

Carriages with two wheels

Carriages with four wheels, used in the business of a livery stable keeper

Carriages with two wheels, used in the business of a livery stable keeper

Horsekind used for riding, draft, or carrying commodities, namely :

Stallions .
Mares.
Geldings.
Mules.

Horsekind used in the business of a livery stable keeper, namely :

Stallions
Mares.
Geldings.
Mules

Asses used for riding, draft, or for carrying commodities, namely :

He asses.
She asses.

Breeding stock, namely :

Stallion.
Mares.
Geldings.
Followers.
Asses.
Mules.
Bulls.
Steers.
Heifers.
Calves, &c.

Working

Working stock, namely :
 Bulls. Horsekind.
 Steers. Mules.
 Heifers.

Sheep

Passenger or freight canoes, wherries, or other boats

And to occupy—

A house	Strand street	£
of the annual value of		
A house, &c. at	pen	£
A store, or warehouse at		£
A wharf at		£
A shop at		£
An office, counting house, or other place of business		£

*The receipt of the collector of dues for the parish of
 for the sum of being the full duties, or a moiety of
 the duties, or proportional part of duties, payable in this parish, in
 respect of the same having been produced to me.*

Given under my hand, this day of 186
clerk of the peace for the parish of

C A P. XXXIII.

*An act for granting to her majesty certain sums of mo-
 ney, required for defraying certain expenses of the ci-
 vil government, and certain other expenses connected
 with the public service, for the year one thousand eight
 hundred and sixty-one.*

WE, your majesty's dutiful and loyal subjects, the assembly
 of Jamaica, towards making good the supply which we
 have granted to your majesty, in this session, have resolved to
 grant unto your majesty the sums hereinafter mentioned, which
 are required to defray certain expenses of the civil government of
 this island, not otherwise provided for by law, and for other pur-
 poses, for the year one thousand eight hundred and sixty-one ; and
 do therefore most humbly beseech your majesty that it may be
 enacted : *Be it therefore enacted by the governor, legislative coun-
 cil*

Preamble.

C

cil, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :

Receiver-general to pay £19,172 16s. 1d. for certain purposes, set forth in schedule to this act.

First—The receiver-general of this island do, from and out of any unappropriated moneys in his hands, pay and apply a sum, not exceeding nineteen thousand one hundred and seventy-two pounds sixteen shillings and one penny, for defraying the several charges and expenses of the civil government of this island, and other purposes, for the year one thousand eight hundred and sixty-one, set forth in the schedule to this act.

Amount not to be paid for compiling debates in assembly till correctness of same be certified.

Second—That the sum by this act authorized to be paid to the executive committee for paying to Augustus Constantine Sinclair for compiling and publishing the debates in the assembly during the present session, shall not be paid or payable until and unless a certificate be produced to the executive committee, signed by the speaker, and any four members of the committee appointed, during the present session of the legislature, for superintending and managing the library, to the effect, that the said book of debates contains a general, true, and correct report of the debates of the assembly.

Detailed account of expenditure to be laid before the assembly.

Third—A detailed account of the monies expended under the authority of this act shall be laid before the assembly of this island, during the first fifteen days of the session of the legislature next after such expenditure.

SCHEDULE.

Sums granted to her majesty by this act, and the purposes for which they are granted.

	£.	s.	d.
For additional grant to clerks, and contingencies of treasury and audit offices, the sum of	300	0	0
For the services of a clerk in the stamp office, the sum of	150	0	0
For the services of assistant clerk in the rum duty department, the sum of	150	0	0
For postages, and contingencies in the rum duty department, the sum of	100	0	0
For paying to John James Vidal, registrar of the			
			diocese

	£.	s.	d.
diocese, for recording returns of parochial registers of baptisms, marriages, and burials, and for other services, the sum of	152	11	9
For paying the committee of the Roman Catholics of the county of Cornwall, and leeward portion of the county of Middlesex, or any two of them, towards affording religious instructions to the Roman Catholics, for the year one thousand eight hundred and sixty, the sum of	100	0	0
For paying to the elders and members of the church of Scotland, as by law established, or any three of them, in aid of that institution, for the year one thousand eight hundred and sixty, the sum of	367	10	0
For payment of services performed by the crier of the supreme court, the sum of	20	0	0
For paying to Alexander Wells Aikman, solicitor to the crown, for law business performed, the sum of	273	6	2
For paying to the executive committee, on account of John Augustus Sullivan, esquire, provost-marshal-general, for warning jurors for the several courts of assize for the year one thousand eight hundred and sixty, for fees in the counties of Surrey, Middlesex, and Cornwall, on releasements and commitments of prisoners and debtors, and taking insolvent debtors to be bailed to the thirtieth September, one thousand eight hundred and sixty, the sum of	381	12	0
For paying to Robert Bogle, for fees as public interpreter, the sum of	6	6	0
For paying to Noel Crosswell for fees, for acting as public interpreter, the sum of	12	12	0
For paying to William Nelson Lewis, late inspector of police, in consideration of sixteen years' service, broken health, almost total blindness, and destitution of circumstances, the sum of	60	0	0
For contingencies of the legislative council of this island, the sum of	300	0	0
C 2			For

	£.	s.	d.
For services of James Philip Clarke, as one of the committee clerks, for the year one thousand eight hundred and sixty-one, the sum of . . .	240	0	0
For the services of James Gayleard, as one of the committee clerks, for the year one thousand eight hundred and sixty-one, the sum of . . .	240	0	0
For the services of William George Macfarlane, as one of the committee clerks, for the year one thousand eight hundred and sixty-one, the sum of . . .	240	0	0
For the clerk of the assembly, towards reimbursing himself the expense of clerks, during the session, the sum of . . .	180	0	0
For the clerk of the assembly, towards reimbursing himself the expense of stationery, during the present, and the amount paid by him for postages during the present year, the sum of . . .	100	0	0
For paying quarterly to Alexander Deleon, for salary as messenger to the house, for his care of the public buildings, and the upper part of the new buildings, as also for his care of the robes and mace, and furniture in the new buildings, and hire of servants to attend the house, for the year one thousand eight hundred and sixty-one, the sum of . . .	260	0	0
For paying to Samuel Webley, as doorkeeper to the house, by quarterly payments, in advance for the year one thousand eight hundred and sixty-one, the sum of . . .	35	0	0
For paying to Alexander Deleon, junior, for his attendance on the members of the house this session, the sum of . . .	30	0	0
For paying to William Deleon, for his attendance on the members of the house this session, the sum of . . .	30	0	0
For paying to Charles Deleon, for his attendance on the members of the house this session, the sum of . . .	15	0	0
For paying to William Halliday, for his attendance . . .			on

	£.	s.	d.
on the members of the house this session, the sum of	15	0	0
For paying to Alexander Deleon, the elder, for candles, ice, and oil, and lighting up the assembly rooms during the present session, the sum of	100	0	0
For paying to James MacPherson, for keeping in repair the assembly clock for one year ending thirty-first October, one thousand eight hundred and sixty, the sum of	15	0	0
For salary to a clerk to the executive committee, the sum of	175	0	0
For the services of additional clerks to the executive committee, for the next current year, by quarterly payments, the sum of	125	0	0
For the services of additional clerks to the executive committee, to be paid quarterly, the sum of	50	0	0
For paying the interest on Smith's charity, the sum of	108	0	0
For paying the following charities, videlicet: Merrick's, £72; Presbyterian institution, £181	253	0	0
For paying to the honorable Walter George Stewart, island secretary, for recording the laws, for furnishing the contractor for printing the laws with copies of the same as they severally passed the legislature, and for other services, the sum of	163	4	3
For paying the salary of the island storekeeper, the sum of	144	0	0
For the pay of the non-commissioned officers and gunners employed in cleaning and repairing the island arms, the sum of	50	0	0
For paying to Judith Palmer, upon the terms and conditions required by the eightieth clause of the 50 George 3rd, chapter 17, passed to regulate the militia, upon a certificate being produced,			
	signed		

	£.	s.	d.
signed by the rector, churchwardens, and members of the parish, or any two of them, that she is alive, the sum of	33	12	0
For paying to Isabella M'Ghie, upon the terms and conditions required by the eightieth clause of the 50 George 3rd, chapter 17, passed to regulate the militia, upon a certificate being produced, signed by the rector, churchwardens, and members of the parish, or any two of them, that she is alive, the sum of	33	12	0
For paying to James Popkin, late a policeman, by quarterly payments, provided his receipt shall be accompanied by a medical certificate that he continues blind, and is incapable of earning his support, which certificate is to be endorsed by the rector and churchwardens of the parish, the sum of	24	0	0
For paying to Millicent Evans, in consideration of her destitute situation, occasioned by the death of her husband, late sergeant of police, who was killed by a stone by some person or persons unknown, whilst in the execution of his duty, the sum of	8	0	0
For paying to Ann Lumsey, in consequence of the injury she sustained by a gunshot wound, which she received in December, one thousand eight hundred and forty-one, at the riot in Kingston that month, while in the performance of her peaceable avocations, and that such sum be paid annually, on its being certified by the rector and churchwardens that she is alive, the sum of	8	0	0
For supporting the Milk-River Bath, in addition to the sum granted by law, the sum of	144	0	0
For supporting the Bath of Saint Thomas the Apostle, the sum of	144	0	0
For paying the salary of the island botanist, the sum of	300	0	0
For paying to William Thomas March, Francis Robertson			

	£.	s.	d.
bertson Lynch, and Charles Hamilton Jackson, esquires, to be by them expended in putting the garden in front of the public buildings in order, and for keeping up the same for the year one thousand eight hundred and sixty-one, the sum of	50	0	0
For the rent of a piece of land belonging to the Titchfield trust, the sum of	9	0	0
For the purpose of defraying the personal and travelling expenses of a geologist, and mineralogist, to be employed by her majesty's government for the geological survey of the island, the sum of	880	0	0
For the services of an assistant inspector of invoices, at two hundred pounds per annum for seven months, the sum of	117	0	0
For paying to the Wesleyan ministers, or any two of them, towards the repairs of the chapel and other premises in Spanish-Town, the sum of	80	0	0
For paying to the Wesleyan ministers, or any two of them, towards the repairs of the chapel and other premises in Saint Ann's Bay, the sum of	40	0	0
For paying to the library committee, for the purchase of books, and other contingencies of the library, for the year one thousand eight hundred and sixty-one, the sum of	100	0	0
For the library committee, for the purchase of parliamentary debates for the assembly, the sum of	30	0	0
For paying to the ministers of the Roman Catholics, or any two of them, towards the building of the school house in Saint George, the sum of	40	0	0
For the purchase of furniture for the new lunatic asylum, in Kingston, the sum of	153	16	9
For paying to Robert R. Jackson, as compensation for the loss of his office as relief commissioner of Saint Catherine, the sum of	120	0	0
In aid of the Royal Society of Arts, in this island, the sum of	100	0	0
		In	

	£.	s.	d.
In aid of the agricultural society prizes in this island, the sum of	100	0	0
For paying to the commissioners of highways and bridges for the parish of Vere, for laying out a new road in the said parish, the sum of	35	0	0
For paying to the commissioners of highways and bridges for the parish of Trelawny, in aid of the erection of the Martha Brae bridge, the sum of	700	0	0
For paying to G. R. M'Bean, as compensation for damages occasioned by pulling down premises to prevent spread of fire, the sum of	20	0	0
For paying to Mrs. Casteel, widow of the late H. Casteel, the amount of the grant made last year for her late husband, in consideration of injuries received in the works on the Kingston and Annotto- Bay Junction Road, but at a date subsequent to his decease, that event not being then known, and in consideration of the delay of payment occasion- ed thereby, the sum of	24	0	0
For refunding to T. H. Oliver, amount of spirit li- cence duty paid by Margaret M'Donald, of whom he is executor, and who died before the license was issued, the sum of	13	0	0
For paying the expenses of return passages of Afri- can immigrants, the sum of	700	0	0
To meet the expenses of transport, &c. of troops to Savanna-la-Mar and Falmouth, the sum of	1459	16	5
For paying to Abraham Judah, and Augustus Con- stantine Sinclair, for publication of debates in extraordinary sessions in March and April, one thousand eight hundred and sixty, the sum of	20	0	0
For defraying expense of forwarding contract copies of Laws and annual Votes of Legislative Council, and Votes of Assembly, to members of the legis- lature, and other parties entitled to them, the sum of	30	0	0
			For

	£.	s.	d.
For paying to the reverend H. C. P. M'Dermott, being portion of stipend not drawn, as substitute for the rector of Vere, the sum of	13	12	5
For educational purposes, the sum of	3000	0	0
For paying amount of printing for the current year, not under contract, the sum of	150	0	0
In aid of the Botanic Garden establishment, to meet the balance in hand of the sum required for its removal, and introduction of plants, the sum of	475	12	4
For paying to James Taylor, esquire, member of assembly for Port-Royal, as standing chairman of committees to the house the present session, and for examining bills ordered by the house to be engrossed, the sum of	200	0	0
For paying to the commissioners of highways and bridges for the parish of Saint John, for completing the improvement of road from Spanish Town to the foot of the Red-Hills, the sum of	200	0	0
To the governor and executive committee, for the reception and entertainment of his royal highness prince Alfred, on his visit to Jamaica, the sum of	1080	0	0
For paying to the executive committee, to be by them paid to Augustus Constantine Sinclair, for compiling and publishing the debates in the assembly during the present session, provided the publication of such work be made within four months after the prorogation, the sum of	150	0	0
For paying to the executive committee, for completing the repairs of the bridge over the Angel's fording of the Rio-Cobre, the sum of	80	0	0
For paying to Alexander Nairne, inspector of police, in consideration of the enlargement of his district, the sum of	50	0	0
For keeping the public buildings in order, for the year one thousand eight hundred and sixty-one, the sum of	500	0	0
D			In

	£.	s.	d.
In aid of the Metcalfe dispensary, the sum of	100	0	0
For paying to Robert Bogle, for fees as public interpreter, the sum of	2	2	0
For paying to the relief commissioner of Saint John, as compensation for the loss of his office, the sum of	25	0	0
For extraordinary expenses of geological survey, the sum of	50	0	0
For paying to Messrs. Jordon & Osborn, for printing public advertisements during lapse of Gazette contract, the sum of	31	3	1
For paying to Thomas Gray, being equal to three-fourths of the moiety of the stipend of the island curate at Montpelier, in Saint James, for seven months from first November, one thousand eight hundred and fifty-nine, to thirty-first May, one thousand eight hundred and sixty, in remuneration for his services as catechist and lay reader for that period, during the absence of such island curate, there being no clergyman in this island at the time, whose service the bishop could command, the sum of	65	6	11
For the new lunatic asylum, for laying down water pipes, the sum of	128	0	0
For the Saint George's Reformatory, to aid in laying down water pipes, the sum of	150	0	0
For the Saint George's Reformatory, towards the repairs, &c. of the said reformatory, the sum of	200	0	0
For paying to the rector of Kingston, and committee of Saint George's alms house, to aid in establishing an asylum for the parochial poor, the sum of	40	0	0
For paying to the commissioners of highways and bridges for the parish of Saint Mary for land, and compensation awarded by jury, the sum of	£139	13	9

And

	£.	s.	d.
And towards opening, forming, and making a carriage road, the sum of £260 6 3	400	0	0
To complete the alterations and improvements to the new lunatic asylum, in the city of Kingston, the sum of	1500	0	0
For paying to Messrs. Nunes Brothers, being the estimated value of ninety barrels of flour seized by her majesty's customs, the sum of	153	0	0
For paying to Alexander Deleon, in addition to the sum already granted for ice, and lighting up the assembly during the present session, this addition being in consequence of the length of the session, the sum of	50	0	0
	<u>£19,172</u>	<u>16</u>	<u>1</u>

That the following grants of moneys, made by the house, remain-
ing now in the treasury, shall lapse to, and become part of the
revenue of this island, for the year one thousand eight hundred
and sixty-one; that is to say,

	£.	s.	d.
Commissioners for obtaining the best statistical essays on parishes	750	0	0
Members of Westmoreland, for bridge over Cabaritta River	250	0	0
Metcalfe testimonial	502	18	0
Justices and vestry of Vere, for the erection of a court-house	300	0	0

That the receiver general be authorized to pay on account, or in
aid of parochial expenditure for the current financial year, the
sum of five thousand and eighty-five pounds thirteen shillings
and ten pence, balance of the parish debt loan.

That the receiver-general be authorized to pay for interest on two
thousand four hundred pounds, part of Woolmer's fund, in the
island treasury, the sum of one hundred and forty-four pounds,
annually granted for such interest, but erroneously included in
the column of sums required to be raised under statute in the
estimate of expenditure for the year one thousand eight hundred

and sixty-one, and forming part of the sum of one thousand and forty-four pounds, in such column stated as payable on account of the said trust balance, nine hundred pounds of which is payable under statute.

That the sum allowed for a queen's purse, to be run for over the Savanna-la-Mar race course, on the second Tuesday of March, one thousand eight hundred and sixty-one, be transferred from such race course to the Falmouth race course, to be there run for on the twelfth day of March, one thousand eight hundred and sixty-one, subject to such conditions and regulations as are in the act (twentieth Victoria, chapter ten), by which the amount was originally given, set forth, and contained.

T H E

L A W S O F J A M A I C A .

ANNO REGNI VICESIMO QUINTO VICTORIÆ

C A P. I.

An act to amend the act of the twenty-fourth Victoria, chapter four, for carrying into execution, in this island, "The West Indian Incumbered Estates' Acts, 1854—1858."

WHEREAS for conformity with the act of the imperial parliament, to be cited as "The West Indian Incumbered Estates' Act, 1854," it is necessary to amend the act of the legislature of this island of the twenty-fourth Victoria, chapter four, for carrying into execution, in this island, "The West Indian Incumbered Estates' Acts, 1854—1858," in respect to the number of commissioners to be appointed in this colony thereunder: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

First—The first section of the recited act of the Jamaica legislature is hereby repealed.

Preamble.
1st sec. 24th Vic. cap. 4, repealed.

Second—The commissioners to be from time to time appointed, in pursuance of the recited imperial acts in this colony, shall be any three of the judges of the supreme court for the

Any three judges of supreme court to be commissioners.

P

time

time being, who, or any two of whom, to be so appointed, shall, whenever sitting, at such times and places as such three judges, or any two of them, shall appoint for the holding of sittings for the purposes of the recited acts, have jurisdiction over all matters to be brought before them in the court to be established, as provided under the recited acts of the imperial parliament, and the legislature of this island.

C A P. II.

An act in aid of "The Industrial Schools' Act, one thousand eight hundred and fifty-seven," (twenty-first Victoria, chapter forty-one.)

Preamble.

WHEREAS by the "Industrial Schools' Act, 1857," passed for the purpose of making provision for the maintenance and industrial training of poor and vagrant children, authority is given to any justice, after full enquiry, to order any child found in a condition of want and distress, or soliciting alms, or wandering in the streets and highways, or sleeping therein, or in any unenclosed piazza, or unoccupied house or outbuilding, or portion of the same, or not having any home, or settled place of abode, or lawful or visible means of subsistence, for whose good behaviour no assurance shall be given to the justice, to be placed in any certified industrial school for the purpose of being educated and trained: *And whereas*, by the sixteenth section of the said act, the judge of any court, and the justices, in petty sessions, are authorized, in every case in which any child under the age of sixteen years shall be charged with any offence, to refrain, on the conviction of such child, from passing sentence upon him, and to direct, by an order in writing, that he be taken to the certified industrial school nearest to the place where such child was convicted, the manager of which shall be willing to receive him, there to be kept for such period as may be directed in such order: *And whereas*, by the eleventh section of the said act, it is enacted, That no person shall be detained in any certified industrial school beyond the age of sixteen years without his consent: *And whereas*, no power or authority is given by the said act to make provision for the future care and well being of such children, after their discharge from the said schools, and it is expedient and necessary to make such provision in order to prevent such children, on their discharge, from relapsing into a state of vagrancy and destitution, and thereby defeating the object and intention with which such industrial schools

schools were established : *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same :*

First—That it shall and may be lawful for the managers, or the majority of them, of any certified industrial school now or at any time hereafter to be established under the authority of the said act, by and with the consent of the governor of this island, to bind apprentice to any householder, any child at the expiration of the period for which he shall have been placed in the said school, or before the expiration of such period, if such child shall have attained the age of thirteen years, and who shall be an orphan, or whose parents, guardian, or nearest adult relative shall be unable or unwilling to make provision for his future care and support.

A majority of managers to bind any child apprentice to a householder,

Second—Such binding shall be for a period of not more than five, nor less than three years, and shall be by indenture, or other contract, in writing, in or to the effect of the form annexed, to be executed in triplicate by the said managers, or a majority of them, on behalf of the apprentice, and by the master, one of which shall be kept by the managers, one by the master, and one by the apprentice, either of which shall be admissible as evidence in any suit or proceeding in any court of justice, and such indenture, or contract, shall contain covenants, on the part of the master, for the maintenance and support of the apprentice, and for the payment of such wages or allowance as shall be agreed on, and for his training and education in the handicraft trade, business, or mystery, or other industrial employment, agricultural or domestic, to which he shall be so bound.

for not more than five, nor less than three years.

Third—Any two justices of the peace of the parish in which any apprentice shall be employed shall hear and determine any complaint brought by any master against his apprentice for misdemeanor, misconduct, negligence, or absence from service ; and, on due proof, shall punish the offender by abating all, or any part of his wages or allowance, or by imprisonment not exceeding three months, and the infliction of any such punishment shall not cancel the binding.

Any two justices to hear complaint against an apprentice,

Fourth—Any two justices shall also hear and determine any complaint brought by any apprentice against his master for non-payment of his wages or allowance, or for ill-usage, and shall make order for payment of such wages or allowance, as shall appear to such justices to be due to such apprentice ; and, in case of ill-usage, proved to the satisfaction

and against the master of an apprentice,

of the justices, shall impose on such master a fine not exceeding ten pounds, and costs; and, in default of immediate payment of such fine and costs, shall adjudge such master to be imprisoned for any period not exceeding three months, unless such fine, and costs, shall be sooner paid; and such justices may, in addition, if they shall see fit, order the apprentice to be discharged, and the indenture or contract to be cancelled, or assign the said apprentice for the unexpired term of his apprenticeship to some other master, to be approved of by the said managers.

and examine either on oath.

Fifth—The justices, acting under the provisions of this act, may examine on oath any master, or apprentice, or other person coming before them as complainant or defendant.

No master to put away, or discharge his apprentice.

Sixth—No master shall, without the consent of the said managers, or a majority of them, put away or discharge, or transfer to any other person, his apprentice, whether such apprentice shall consent or not.

In case of death of master managers may assign apprentice to another.

Seventh—If any master shall, before the expiration of the term of service of any apprentice, die, or leave the island, and remain absent therefrom for a period of six months, without having made provision, to the satisfaction of the managers, for carrying out the terms of the indenture, the said managers, or a majority of them may, if they shall see fit, assign such apprentice for the unexpired term of his apprenticeship to any other householder, and such assignment shall be subject to all the provisions of this act.

Proceedings to be taken under 13th Vic. cap. 35.

Eighth—All remedies and proceedings for enforcing any order, adjudication, or conviction under this act, shall be in form and manner prescribed by the thirteenth Victoria, chapter thirty-five, and the acts in aid thereof.

Exempt from stamp duty.

Ninth—All matters and proceedings under this act shall be exempt from stamp duty.

FORM.

JAMAICA, SS.

Know all men by these presents, that A. B. C. D. &c. the managers, (or as the case may be, the majority of the managers), of the industrial school for boys (or girls), situate in the parish of *duly certified according to*

to the provisions of the "Industrial Schools' Act, 1857," by and with the consent of the governor of this island, do put and place (E. F.) aged years, an inmate of the said school, duly placed in the said school under the provisions of the said act, for whose future care and support no provision has been made by his parents, guardians, or relatives, apprentice to (G. H.) of the parish of with him to dwell and serve from the day of the date of these presents for the term of years thence ensuing, during all which term the said apprentice, his said master shall faithfully serve in all lawful business, according to his power and ability, and honestly, orderly, and obediently in all things demean and behave himself towards his said master during the said term; and the said (master) for himself, his executors, and administrators, do covenant and agree to and with the said managers, and every of them, their and every of their successors for the time being by these presents, that he, the said (master), the said apprentice in the art, trade, or mystery of (or as the case may be, in the business, occupation, or calling of), or other industrial employment, agricultural, or domestic, shall and will teach and instruct, or cause to be taught and instructed in the best way and manner that he can, and shall and will, during all the term aforesaid, find, provide, and allow unto the said apprentice sufficient meat, drink, apparel, lodging, medical attendance, and all other things necessary and fit for an apprentice. (Here insert any other special or additional covenant.)

In witness whereof the said parties hereto have hereunto set their hands and seals this
day of in the year of our lord one thousand eight hundred and

Sealed, and delivered in the }
presence of }

CAP.

C A P. III.

An act to authorize the appropriation of the sum of eleven thousand two hundred pounds, accrued to the credit of the debt due to the imperial government.

Preamble.

£11,200 to be appropriated by governor for the public service of the island.

Expenses of census to be first defrayed thereout.

WHEREAS the sum of eleven thousand two hundred pounds, stands accrued as of the thirtieth day of September last, to be applied in liquidation of the debt due to the imperial government of two hundred and forty-three thousand five hundred and forty-one pounds, or thereabouts, as provided by the act of the twenty-third Victoria, chapter twenty-six, so soon as an act of the imperial parliament shall be passed, authorizing the arrangements made under the said act of the twenty-third Victoria, chapter twenty-six, with her majesty's government: *And whereas* her majesty's government have signified their intention to apply to parliament for the necessary powers to carry out the said arrangements: *And whereas* under the act of the twenty-fourth Victoria, chapter one, which act has obtained the royal assent, liabilities have been incurred for taking a census of the inhabitants of this island, which are provided to be paid out of the said monies so accrued as aforesaid, but for which payment no sufficient authority as yet exists: *Be it enacted*, It shall be lawful for the governor, by his warrant or warrants in that behalf, to appropriate the above mentioned sum of eleven thousand two hundred pounds, and direct to be paid by the receiver-general, who shall thereupon pay the same accordingly for such purposes connected with the public service of this colony as her majesty's government may direct: *Provided always*, That the expenses of taking the said census shall be in the first instance defrayed thereout, and that such appropriation shall be for and on account of the full and final settlement and discharge of all principal and interest monies accrued, or to accrue, on the before-mentioned debt, as provided by the recited act of the legislature of this island.

C A P.

C A P. IV.

An act to authorize the transfer and conveyance, to the executive committee of Jamaica, of certain forts and barracks.

WHEREAS her majesty's government are desirous of relinquishing and surrendering, by way of free and unconditional gift, to the public and government of this island the several forts and barracks on the north side of this island, which, with other messuages, lands, tenements, estates, and hereditaments, were, under the act of the legislature of this island, sixth Victoria, chapter thirty-four, vested in the principal officers of her majesty's ordnance in Great Britain; and, by the subsequent act of this island, nineteenth Victoria, chapter forty-four, were transferred to, and are now vested in, her majesty's principal secretary of state, entrusted with the seals of the war department: *And whereas* it is desirable that such offer should be accepted: *And whereas* doubts are entertained whether the said principal secretary of state can legally transfer, or the executive committee can legally receive such property, by way of absolute and unconditional gift, or otherwise, than by way of sale or exchange: *And whereas* doubts are entertained whether, under the powers given to her majesty's said principal secretary of state for the war department, under the above-mentioned acts of the sixth Victoria, chapter thirty-four, and nineteenth Victoria, chapter forty-four, the said principal secretary of state can part with, or transfer such property by way of absolute and unconditional gift, or otherwise, than by way of sale or exchange: *And whereas* it is desirable to remove such doubts, and to enable the said principal secretary of state to carry the said contract or agreement into effect: *May it please your majesty that it may be enacted, and it is hereby enacted by the governor, legislative council, and assembly of this island, and by the authority of the same,* That it shall be lawful for her majesty's principal secretary of state, entrusted with the seals of the war department, or for any other of her majesty's principal secretaries of state for the time being, acting for and in the place of the principal secretary of state for the war department, and he is hereby authorized and empowered to carry into effect the aforesaid contract or agreement with the executive committee of this island, and to execute as and in the manner authorized and directed by the said act of the nineteenth Victoria, chapter forty-four, with reference to contracts and deeds thereunder, the necessary deed of gift, conveyance, assignment, or other assurances in the

Preamble.

Secretary of state for war department may transfer certain forts and barracks to the public of this island.

the law, for transferring to, and vesting in, and to the use of, the executive committee of Jamaica, their successors and assigns, in trust for, and for the benefit of the public of this island, the forts, fortifications, barracks, messuages, lands, and hereditaments, situate on the northside of this island, mentioned and set down in the schedule to this act annexed, with their respective appurtenances, and the ordnance, guns, gun carriages, and materials for military defence, of right appertaining and belonging thereto, and used therewith respectively; and such contract or agreement, and the deed of gift, conveyance, assignment, or other assurance, to be executed by such principal secretary of state for the war department, or such other principal secretary of state, in pursuance of and for carrying into effect the same, shall (notwithstanding such contract, or agreement, and deed, are and shall be, by way of absolute and unconditional gift, and not by way of sale or exchange), be good, valid, and effectual in the law for conveying and transferring all and every the aforesaid premises from the said principal secretary of state for the war department, discharged from the trusts and purposes of the said acts sixth Victoria, chapter thirty-four, and nineteenth Victoria, chapter forty-four, and for vesting the same in the executive committee of Jamaica, their successors and assigns, for the sole use and benefit of the public of this island.

SCHEDULE TO WHICH THE ABOVE ACT REFERS.

NAME.	POST, OR WORK.	EXTENT			PARISH.
		Acres	Roods	Perches	
Port Antonio	Barracks, and Fort George	6	1	14	Portland. St. Mary. Trelawny
Port Maria	Fort Haldane				
Rio Bueno	Fort Dundas				
Falmouth	Barracks, and Fort Balcarres	2	1	30	St. James.
Maroon Town	Barracks	400			
Montego Bay	Barracks, and Fort Montego	4	2	34	Hanover.
Lucea	Barracks, and Fort Charlotte	9	1	26	

C A P₃

C A P. V.

An act to grant a revenue to her majesty, by a duty upon rum, and other spirits distilled in this island, and to allow a drawback on certain compounds exported from this island, and manufactured from spirits distilled therein, to the extent of the spirit used in their manufacture or composition.

WHEREAS it is necessary that a further supply should be granted to your majesty: *Be it enacted by the governor, and the legislative council, and assembly of this island, and it is hereby enacted and ordained by the authority of the same:*

Preamble:

First—On, from, and after the first day of January, one thousand eight hundred and sixty-two, there shall be raised, levied, collected, and paid to, and for the use of your majesty, your heirs and successors, for the support of the government of this island, and towards the contingent charges and expenses thereof, a duty of two shillings and sixpence upon every imperial gallon of rum and other spirits, which shall be distilled, or made in this island, on and from the said first day of January, one thousand eight hundred and sixty-two, until the thirty first day of March, one thousand eight hundred and sixty-four.

A duty of 2s. 6d. per gallon imposed upon each gallon of spirits distilled in the island.

Second—The duty chargeable by the act of the twenty-second Victoria, chapter fifteen, on all rum, and other spirits distilled or made in this island up to the thirtieth day of September, one thousand eight hundred and sixty one, and remaining on hand, and unaccounted for at that date, and also the like duty on all rum and other spirits distilled or made in this island since such date, and up to the thirty-first day of December, one thousand eight hundred and sixty-one, shall be accounted for, and recovered in like manner, and under and subject to the like penalties, and shall be appropriated as the duties laid and to be raised by this act.

Previous duties recoverable in like manner as duties under this act.

Third—The said duty of two shillings and sixpence by this act imposed upon every imperial gallon of rum, and other spirits distilled or made in this island, shall be recovered and collected under the authority, and by the powers of any act or acts which may now or hereafter be in force for the collection

Duties recoverable under any act now or hereafter in force.

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tion of the duties imposed upon rum, and other spirits distilled or made in this island ; and the proceeds of such duty shall be paid and applied by the receiver-general for the time being towards the contingent charges and expenses of the government of this island.

**Drawback allowed on
cordials exported.**

Fourth—Every person exporting any quantity not less than ninety gallons of any cordial, liqueur, or compound, manufactured in this island, and of which any spirit distilled in this island shall form a component part, shall be entitled to receive, by way of drawback, and be paid by the receiver-general, on the warrant of the governor, the proportion of spirit duty next mentioned ; that is to say, at the rate of sixpence for every gallon of any such cordial, liqueur, or compounds exported, on its being certified by the collector and controller of customs at the port of Kingston, or the sub-collector at any other port of export accordingly, to the port from which the export shall have been made, that it has been satisfactorily shewn to such collector and controller, or sub-collector, as the case may be, that the cordial, liqueur, or compound exported, was manufactured in this island, and that not less than twenty gallons of rum, distilled in this island, were used as a component part thereof, and that the full duty at not less than the rate of duty by this act imposed on rum distilled in this island, was paid on the whole of the spirit so used, which certificate shall be in the form hereunto annexed

FORM OF CERTIFICATE.

These are to certify, that _____ *of the parish of* _____
has exported from this port of _____ *in the ship or* _____
vessel called _____ *puncheyns, containing* _____ *gal-*
lons of a cordial, liqueur, or compound, called _____ *and* _____
that the same was manufactured in this island, and that _____
gallons (the quantity must be not less than twenty gallons),
of _____ *distilled in this island have been used therein, and*
form a component part thereof ; and that the full duty of _____
per gallon has been paid on such _____ *gallons (not less than twenty*
gallons), of _____

Given under our hands (or my hand), this
day of _____ *at the port of* _____

collector.
controller.
sub-collector.

C A P.

C A P. VI.

An act to establish competitive examinations.

WHEREAS it is advisable to establish competitive examinations for the purposes hereinafter mentioned: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble.

First—It shall be lawful for the governor to appoint a board of five persons, who shall be called the “BOARD OF PUBLIC EXAMINERS,” and from time to time to fill up any vacancies which may occur therein, and to revoke from time to time any appointment made thereto.

Governor to appoint board of examiners.

Second—Three of the members of such board shall be a *quorum*, and shall exercise, when met, all the functions of such board; any member may be elected as chairman, and, in his absence, any other member then present may be selected to preside as chairman.

Three members to be a quorum.

Third—Such board may call in the aid of qualified persons to assist them in conducting the examinations hereinafter directed, and otherwise for the purposes of this act.

Board may call in aid of qualified persons.

Fourth—It shall be the duty of the board

Duty of the board.

1st—To frame, and publish regulations, to be observed by candidates for examination, such regulations being first approved by the governor, with the advice of the executive committee.

2d—To examine, in each year, in Kingston, or cause to be examined at such other convenient towns, by such persons as assistant examiners to be appointed by them, at times and places to be fixed, by six months' previous notice respectively, all candidates who present themselves in accordance with the regulations of the board, and any other regulations or restrictions provided under this act, in the understated subjects, viz.:

Reading and writing, including writing from dictation, arithmetic, English language and grammar, biblical knowledge, geography, history, including local history, popular science, school management, ancient and modern languages, and other subjects, as may be decided upon.

3d—To keep a record of the candidates for examination,

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showing the name, age, place of birth, and residence of each candidate, and the result of his examination, mentioning the particular avocation or employment (if any) for which any candidate has, in the opinion of the examiners, shewn any special aptitude.

4th—To grant certificates of qualification to candidates whose examination as to fitness, and whose testimonials as to moral character, have been found satisfactory, and who shall be classed in three classes, and shall receive certificates of the first, second, or third class respectively, according to their merits, in the judgment of the examiners.

Certified teachers to receive certain sums in addition to any grant.

Fifth—Every person who shall have obtained any such certificate, and shall be employed as a teacher in any school, supported or assisted by grant from any fund to be voted by the legislature of this island for educational purposes, shall be entitled to receive payment, on the warrant of the governor, out of such fund, of the respective sum understated on the following scale; that is to say:

A teacher, who shall have obtained a certificate of the first class (<i>per annum</i>)	...	£10 0 0
Second class, ditto ditto	..	7 10 0
Third, ditto ditto	..	5 0 0

And every such payment shall be in addition to any benefit derived or derivable from any other grant made out of such fund, in aid of the school in which the respective teacher shall be employed.

No grant to be made to any school after third examination.

Sixth—After the third annual examination shall have been held under this act, no grant shall be made out of such fund, in aid of any school, which shall not have been placed under the charge and teaching of a teacher, who shall have obtained a certificate, as provided by this act.

Assistant examiner may be appointed to inspect schools.

Seventh—It shall be lawful for the governor to appoint any one of such assistant examiners or other person, whom he shall consider competent, in each county, to inspect and report annually upon the state of any schools, receiving aid from the public funds, and the progress which such schools shall have made since the last report thereof, distinguishing whether such schools are under the charge of masters holding certificates under this act or not, with such other remarks thereon as may seem necessary; a copy of such report shall be laid before each branch of the legislature and the board of examiners.

Excellent merit may be specially recommended.

Eighth—In case the proficiency in general subjects of any person

son who shall have passed an examination, and obtained a certificate of the first class, as provided under this act, shall be considered by the examiners to be so eminent as to merit special recommendation by them, such person shall, on his making application for a public appointment, and producing the certificate and special recommendation aforesaid, be deemed a meritorious candidate for employment in the public service of the colony.

Ninth—It shall be lawful for the governor, with the advice of the executive committee, to appropriate, out of any fund voted for educational purposes, a sum not exceeding two hundred and fifty pounds *per annum* for necessary and reasonable expenses or charges to be incurred by the board appointed under this act for procuring the services of qualified persons to assist the said board, and otherwise in and about the business of the examinations, and inspecting and reporting upon the schools, as directed by this act.

Expenses of board may be paid out of educational fund.

C A P. VII.

An act to authorize and affirm the jurisdiction of the courts of this island over cases of felonious homicide, where death occurs out of this island.

WHEREAS by reason of the recitals contained in the act of parliament, passed in the session of parliament, held in the twenty-third and twenty-fourth years of the reign of her majesty the queen, chapter one hundred and twenty-two, doubts may be entertained of the efficacy of part of the enactment contained in the act of the legislature of this island, seventh of William the fourth, chapter forty-first, section fifth: *Be it enacted by the governor, legislative council, and assembly of this island,* That where any person, being feloniously stricken, poisoned, or otherwise hurt at any place in this island, shall die of such stroke, poisoning, or hurt upon the sea, or at any place out of this island, every offence committed in respect of any such case, whether the same shall amount to the offence of murder, or of manslaughter, may be dealt with, enquired of, tried, determined, and punished in the same manner, in all respects, as if such offence had been wholly committed and completed within this island.

Preamble.

Offences committed out of island punishable in the manner as those committed in the island.

C A P. VIII.

An act to raise a supply for the use of the government of this island, by a duty on articles imported, and to appropriate the same.

Preamble:

WHEREAS it is requisite to provide means to meet the exigencies of the island: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Duties in schedule imposed on all articles mentioned therein imported into this island.

First—On, from, and after the passing of this act, there shall be raised, levied, and paid to her majesty, for the use and benefit of the government of this island, upon the several articles imported into this island, and enumerated in the schedule hereunto annexed, the several duties therein respectively set forth; and the several articles enumerated in the schedule, with the word “free,” set opposite thereto, shall respectively be admitted free of duty.

Hogsheads, &c. containing articles not liable to duty to pay duty.

Second—Each hogshead, puncheon, or tierce, imported into this island, and containing coals, manure, or any other article not liable to duty, shall be charged with the same duty that is chargeable upon hogshead, puncheon, and tierce shooks, under this act; and all packages containing goods, subject to the *ad valorem* duty imposed by this act, shall be free from such or any other duty.

How duties may be levied.

Third—The duties payable under this act shall be levied, recovered, and received by her majesty's officers of customs in this island, under the regulations, and by the means and powers of so much of an act, which passed the parliament of the United Kingdom of Great Britain and Ireland in the sixteenth and seventeenth years of the reign of her majesty queen Victoria, chapter one hundred and seven, entitled “An act to amend and consolidate the laws relating to the customs of the United Kingdom, and of the Isle of Man, and certain laws relating to trade and navigation, and the British possessions,” or of any subsequent act of the imperial parliament, as relates to the British possessions.

Produce of duties to be paid to receiver-general.

Fourth—The moneys, the produce of the duties to be received by the means and powers of this act, shall be paid by the said officers of customs, in each and every week, into the

the hands of the receiver-general for the time being, and shall be applied as hereinafter directed.

Fifth—It shall be lawful for the governor from time to time to appoint to the establishment of customs, at the port of Kingston, an inspector of invoices, and also an assistant inspector of invoices, and to remove any person already or hereafter to be appointed to either office; and it shall be the duty of the inspector and assistant inspector of invoices respectively, or of one of them, to examine every invoice of goods imported into such port previous to warrants being passed for such goods, and the duty upon them paid, and to ascertain and certify the correctness thereof; and no invoice shall be received; nor warrants passed for any goods mentioned in any invoice, which shall not be so certified; and if such inspector, or assistant inspector of invoices shall see reason to doubt the correctness of the value placed upon any goods mentioned in any invoice, he may examine such merchandize, and require the importer or consignee of such goods to attend at the custom-house, and, in the presence of the collector, or controller of customs, shall examine such importer or consignee on oath (which oath such collector, or controller, or inspector of invoices respectively is hereby authorized and required to administer), touching such goods and invoice, and the value thereof, and on all other points relating thereto: *Provided*, That the existing appointment of inspector and assistant inspector of invoices shall continue without new appointments, but subject to the provisions of this act: *Provided also*, That the sub-collectors at the several ports shall have and exercise, and are hereby charged and vested with the like duties and powers wherewith the said inspector of invoices is hereby charged and vested; and every such sub-collector is hereby authorized and required to administer, where necessary, in the execution of such duties, the like oath as is hereinbefore directed to be administered by the collector, controller, or inspector of invoices.

Governor may appoint an inspector of invoices.

Duties of such inspector.

Proviso as to existing appointment.

Sub-collectors to perform the duties of inspector.

and to administer oath.

Sixth—There shall be paid to the person already, or hereafter to be appointed assistant inspector of invoices, a salary at the rate of two hundred pounds *per annum*, on the warrant of the governor, to commence on and from the first day of October, one thousand eight hundred and sixty-one.

Salary of inspector

Seventh—The oath required by the third section of the act of the twentieth Victoria, chapter five, for the regulation of the customs, to be taken by the importer of goods imported into this island, may be administered as well by the controller of customs,

Oath of importer of goods may be administered by certain officers of customs.

customs, or the inspector of invoices, as by the collector of customs at the port of Kingston.

Eighth—Whereas it is provided by the thirty-eighth section of the seventeenth Victoria, chapter twenty-nine, that the sum of thirty thousand pounds shall be raised by a duty on certain articles mentioned in the schedule C, to that act annexed, and appropriated to the liquidation of the public debt, and interest; and a further sum of twenty-five thousand pounds shall be raised and appropriated towards defraying certain expenses of the government of this island: *And whereas*, by a proviso to the forty-second section of the said act, it is declared, that the duties thereby authorized to be collected, shall not be collected during such time as duties, larger in amount, or equal in amount, shall be collected: *And whereas* the duties imposed by this act are larger in amount than the duties imposed by the said seventeenth Victoria, chapter twenty-nine: *And whereas* it is necessary to provide for the payment of the said sum of thirty thousand pounds, and twenty-five thousand pounds, out of the duties to be received under this act: *Be it enacted by the governor, legislative council and assembly of this island, and by the authority of the same*, That the receiver general shall annually reserve, out of the duties to be collected and paid to him by the officers of the customs as aforesaid, the sum of thirty thousand pounds, to be appropriated to the liquidation of the said public debt, and interest; and a further sum of twenty-five thousand pounds towards defraying certain expenses of the government of this island, as is by the said act provided to be appropriated in the manner therein directed.

£30,000 and £25,000,
under 17th Vic. cap.
29, payable out of du-
ties collected under
this act.

Residue of duties ap-
propriated.

*Ninth—*The residue of the duties to be collected under this act shall be paid and applied to the use of the public of this island.

Exemption from duty
of articles for erection,
&c. of places of wor-
ship.

*Tenth—*It shall be lawful for the executive committee, if they shall think proper, upon proof that any materials or articles imported into this island, and subject to duty under this act, are intended to be exclusively used in the erection, or for the repairs, or in the service of any place of religious worship, to direct the officers of customs, at the port of entry of such materials or articles, to admit the same to entry, without payment of duty; or for the receiver-general, on the warrant of the governor, to repay to the party importing such materials or articles the amount of duty which may have been paid upon the same.

Eleventh

Eleventh—The provisions of the seventeenth Victoria, chapter thirty-three, and twentieth Victoria, chapter five, relating to drawbacks, shall be extended, and be allowed to operate in respect to all materials necessary to be used in the repairs of any vessel or vessels putting into any harbor in this island in distress for repairs: *Provided*, That the value of such articles in the aggregate exceed the sum of one hundred pounds.

Provision as to drawback of duties in certain cases.

Twelfth—On proof, to the satisfaction of the executive committee, that any quantity of gunpowder has been imported or purchased solely and exclusively for mining, blasting, or road purposes, in this island, it shall be lawful for the receiver general, on the warrant of the governor, to repay to the person or company who has imported or purchased gunpowder for such purpose, the amount of duty which shall have been paid upon the quantity of gunpowder so imported or purchased.

Duty on gunpowder used for certain purposes to be re-paid.

Thirteenth—It shall be lawful for the importer of gunpowder into this island to warehouse the same in the magazine of Port-Royal, without payment of duty on the first entry thereof, subject nevertheless to the rules and regulations, restrictions, and conditions contained in the act of the seventeenth Victoria, chapter two, or any other act for warehousing of goods imported into this island, so far as the same are respectively applicable: *And provided further*, That no such gunpowder shall be delivered, except upon a delivery order, signed by the collector and controller of customs in this island, and specifying the name of the person to, or for whom any such powder is to be delivered, the quantity deliverable, and such other particulars as such collector and controller shall think necessary: *And provided also*, That nothing herein contained shall in any way interfere with, or counteract any law, rule, or regulation now in force or practice for the government or regulation of the said magazine at Port-Royal, or the officers in charge of Fort Charles.

How gunpowder may be warehoused.

Fourteenth—So much of the fourteenth section of the "Gunpowder and Fire-Arms' Act, 1856," (nineteenth Victoria, chapter fourteen), as fixes the rate or standard of charge for storing, or receiving and keeping gunpowder in any fort or magazine, or other authorized place of deposit, shall be, and is hereby repealed; and, instead thereof, there shall be paid, by the person depositing gunpowder in any fort, or magazine, or authorized place, as by such act directed, to the captain, or person having charge of such gunpowder—

Certain portion of 19th Vic. cap. 14, repealed, and other rates fixed.

Two shillings for every barrel, capable of containing
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any quantity not exceeding one hundred pounds weight of gunpowder :

One shilling for every half barrel, capable of containing any quantity not exceeding fifty pounds weight of gunpowder ; and

Six pence for every quarter barrel, capable of containing any quantity not exceeding twenty-five pounds weight of gunpowder.

Monies paid by royal mail company, &c. for duty on coals to be refunded, &c.

Fifteenth—It shall be lawful for the governor, by his warrant, to direct the receiver-general to refund all sums of money which shall be satisfactorily shewn to have been paid by or on account of the royal mail steam packet company, or any other company, or individual, for duties on coals brought to this island for the use of steam vessels carrying mails, and on coals not imported for, nor used in internal consumption ; and no duty shall in future be chargeable on coals, so brought to this island for the purpose aforesaid, or coals not intended nor used for internal consumption.

Offences committed under 23d Vic. cap. 13, may be punished notwithstanding the expiration of that act.

Sixteenth—Notwithstanding the expiration or repeal of the act twenty-third Victoria, chapter thirteen, or any subsequent act for raising or continuing a supply by a duty on articles imported, and for the appropriation of the same, or the expiration or repeal of this act, any offence committed against any of the provisions of the recited acts, or either of them, or of this act respectively, or any penalty incurred under either of such acts, may be punished or proceeded for, and recovered or enforced respectively as if such acts, or this act respectively, had not expired.

Short title.

Seventeenth—This act may, for all purposes, be cited as "THE IMPORT DUTIES ACT, 1862."

Commencement and expiry of act.

Eighteenth—This act shall come into operation from the passing thereof, and continue in force until the thirty-first day of March, one thousand eight hundred and sixty-five.

SCHEDULE.

	£.	s.	d.
Ale, per tun	5	7	0
Asses, per head	0	5	0
Bacon, per cwt.	0	10	0
Barley, (not being pearl barley), per bushel	0	0	3
Beef,			

	£.	s.	d.
Beef, dried, per cwt.	0	10	0
Ditto salted, or cured, per barrel of 200lbs.	0	10	0
Beans, per bushel	0	0	3
Beer, per tun	5	7	0
Birds	Free.		
Books, printed, and printed papers, including maps	Free.		
Bread or biscuit, per cwt.	0	6	0
Bricks, per 1000	0	4	0
Bullion	Free.		
Butter, per cwt.	0	9	0
Calavances, per bushel	0	0	3
Candles, composition, per box of 56lbs.	0	7	0
———— tallow, per box of 56lbs.	0	2	6
———— wax, or spermaceti, per box of 56lbs.	0	10	0
Cattle, neat, per head	0	10	0
Carriages, not used for agricultural purposes, for every £100 } value	10	0	0
Carriages, carts, and wagons, used for agricultural purposes	Free.		
Cheese, per cwt.	0	10	0
Cider, per tun	4	7	0
Clothing, army and navy, and undress	Free.		
Coals	Free.		
Cocoa, per cwt.	0	10	0
Coffee, per cwt.	1	0	0
Coin	Free.		
Coke	Free.		
Corn, Indian, per bushel	0	0	3
Cotton wool	Free.		
Diamonds	Free.		
Dogs	Free.		
Dyewoods	Free.		
Drawings	Free.		
Engravings, and lithographs, and photographs	Free.		
Fish, dried or salted, per cwt.	0	2	6
—— fresh	Free.		
—— smoked, not otherwise enumerated or described, per cwt.	0	4	0
—— alewives, pickled, per barrel	0	2	0
—— herrings, pickled, per barrel	0	2	0
—— smoked, per box of 25lbs.	0	0	6
—— mackerel, pickled, per barrel	0	4	0
—— pickled, not otherwise enumerated or described, per barrel	0	4	0
—— salmon, smoked, per cwt.	0	10	0
—— wet, or salted, per barrel	0	10	0
Flax	Free.		
Flour, rye, per barrel	0	8	0
Flour, wheat, ————	0	8	0
Fruit, fresh	Free.		
Goats, per head	0	2	0
Guano, and any other manure	Free.		
Gums	Free.		
Gunpowder, per lb.	0	0	6
Hams, per cwt.	0	10	0
Hand machines for preparing fibre, spinning cotton, or wool	Free.		
Hay and straw	Free.		
Hemp			

	s.	s.	d.
Hemp	...	...	Free.
Hides, raw	...	...	Free.
Horses, mares, and geldings, per head	...	1	0 0
Hogshead shooks, each	...	0	0 6
Hydraulic presses, and printing presses	...	4	0 0
Ice	...	...	Free.
Iron, galvanized, per £100 value	...	4	0 0
— ditto for roofing	...	...	Free.
Indigo, per lb.	...	0	0 3
Lard, per cwt.	...	0	5 0
Leeches	...	...	Free.
Matches, lucifers, and others, per gross of twelve dozen boxes, each box to contain one hundred sticks, and boxes contain- ing any greater or lesser quantity, to be charged in propor- tion	...	0	5 0
Malt dust	...	...	Free.
Marble, in slabs or blocks, per £100 value	...	4	0 0
Machines, (horse power), per £100 value	...	4	0 0
Meat, fresh	...	...	Free.
— salted, or cured, per barrel of 200lbs.	...	0	10 0
Meal, not wheat, per barrel	...	0	1 0
Mills, whether for grinding canes, paint, coffee, corn, or grain of any kind, or for sawing boards, raising water, or are set in motion by steam, horse, wind, or water power, per £100 value	...	4	0 0
Molasses	...	...	Free.
Mules, per head	...	0	10 0
Necessaries (army and navy,) including mess plate and furni- ture, band instruments, to be certified by the military and naval commanding officers as requisite or necessary	...	...	Free.
Oats, per bushel	...	0	0 3
Oil cakes, whole, or in powder, and other prepared food for animals	...	...	Free.
Oil, per gallon	...	0	0 4
Paintings in oil	...	...	Free.
Patent fuel	...	...	Free.
Pans for boiling sugar, whether of copper or iron, per £100 value	...	4	0 0
Peas (not being split peas), per bushel	...	0	0 3
Perry, per tun	...	4	7 0
Pipes for conveying fluids, per £100 value	...	4	0 0
Plants, growing	...	...	Free.
Ploughs, plough-harrows, and harrow cultivators, clod-crush- ers, horse-hoes, dibbles, sowing machines, four per cent.	...	0	10 0
Pork, salted or cured, per barrel of 20lbs.	...	5	7 0
Porter, per tun	...	...	Free.
Poultry	...	...	Free.
Puncheon shooks, each	...	0	0 6
Pumps for raising water, per £100 value	...	4	0 0
Railway truck wheels, per £100 value	...	4	0 0
Resins and Rosin	...	...	Free.
Rice, per cwt.	...	0	1 0
— undressed, per bushel	...	0	1 0
Salt, per cwt.	...	0	7 1
— rock	...	...	Free.

Sarsaparilla

	£. s. d.
Sarsaparilla	Free.
Sausages, dry or pickled, per cwt.	0 10 0
Sheep, per head	0 2 0
Slates	Free.
Soap, per box of 56lbs	0 3 0
Soda, ash, or sub-soda	Free.
Specimens, illustrative of natural history, mineralogy, and geology	Free.
Spirits, brandy, per gallon	0 7 0
— gin, per gallon	0 6 0
— rum, produce of, and imported from British possessions, per gallon	0 6 0
— whiskey, per gallon	0 5 0
Spirits of wine, alcohol, and all other spirits, cordials, or compounds, per gallon	0 8 0
Still, or any part of a still, per £100 value	4 0 0
Steam engines, or part thereof, per £100 value	4 0 0
Sugar, refined, per lb.	0 0 2
— unrefined, per cwt.	0 10 0
Swine, per head	0 2 0
Tallow, grease, tallow grease, or grease, and slush	Free.
Tea, per lb.	0 1 6
Tierce shooks	0 0 6
Tiles, marble, per £100 value	4 0 0
— earthen	Free.
Tobacco, manufactured, including Cavendish, for every pound weight	0 0 6
— on every 100lbs. weight of unmanufactured	1 1 0
— cigars, for every pound weight	0 2 6
Tongues, dried, per cwt.	0 10 0
— salted, or cured, per barrel of 200lbs.	0 10 0
Tortoise shell	Free.
Tow	Free.
Turtle	Free.
Uniforms, prescribed by her majesty's regulations, or any law of this colony	Free.
Vegetables, fresh	Free.
Wax, bees	Free.
Wheat, per bushel	0 0 8
Wines, whether in bulk, or bottled, per tun	15 0 0
Wood, for one thousand feet of pitchpine lumber, by superficial measure of one inch thick	0 12 0
— for every one thousand feet of whitepine lumber, or other lumber, by superficial measurement of one inch thick	0 8 0
— shingles, cypress, more than 12 inches in length, per 1000	0 4 0
— Boston chips, and all shingles not otherwise enumerated, or described, per 1000	0 3 0
— woodhoops, per 1000	0 1 0
— staves and heading, red or white oak, or ash, per 1000	0 4 0
Wire, iron, for fences; and wire fencing; and iron standards and hurdles, and tomb railings, per £100 value	4 0 0
Works of art, in marble, bronze, or other materials	Free.
	And

£. s. d.

And after these rates for any greater or less quantity of such goods respectively.

On all other goods, wares, and merchandize, plantation supplies, and effects, of every description, not previously enumerated, for every £100 value } 12 10 0

C A P. IX.

An act for the government of the new lunatic asylum.

Preamble.

WHEREAS it is expedient to provide for the supervision and government of the new lunatic asylum at Kingston: *Be it enacted by the governor, legislative council, and assembly of this island, as follows:*

Board of visitors to be appointed by governor.

No member of which shall receive any emolument, &c.

Time of meeting, and duties of such visitors.

First—For the more effectual supervision of the lunatic asylum there shall be a board of visitors, consisting of the bishop of the diocese, or, in his absence, the bishop of Kingston, the custos of Kingston, the mayor of Kingston, the inspector of prisons, the police magistrate of the city and parish of Kingston, the principal medical officer of her majesty's army, and the principal medical officer of her majesty's navy, stationed in this island, and five other persons resident in or near to Kingston, one of whom shall be a member of the medical profession, to be from time to time nominated and appointed by the governor, and removable at his pleasure; no member of such board of visitors shall receive any emolument from the institution, or have any pecuniary interest, direct or indirect, in any contract entered into for any supplies furnished to the institution; and five members shall be sufficient to meet and form a board for the transaction of business.

Second—The board of visitors shall meet once a quarter, or oftener, if necessary, at the institution, and inspect and examine the books and accounts thereof, if they shall think fit to do so; and inspect the wards, cells, stores, and every other place, and the liquors, and provisions, and medicines in store, and receive and investigate any complaints which shall have been preferred by or against any officer, servant, patient, or inmate; and shall, if they think necessary, report thereon to the governor, and draw up and transmit to the governor such other reports and returns as they shall from time to time deem necessary, or which the governor may call for in respect of any matter relating to the said institution; and any of the members of the said board of visitors shall be at liberty to call at and inspect the asylum, or any portion of it, at any hour of the

the day or night they or any one or more of them shall deem proper, and shall see and examine any inmate, if they shall think fit; and further, the said board of visitors shall have power to suggest such alterations in the rules and regulations of the institution as they may from time to time think necessary, for submission by the inspector and director for the consideration of the governor, in executive committee.

Third—The board of visitors shall, at a general meeting, to be held as early as practicable after its construction, and thereafter annually, on a day to be appointed by them, elect a chairman from their body to preside over all meetings at which he shall be present; but in case of his absence from any board the members present at any such meeting may appoint a chairman *pro tempore* to preside thereat.

Who must elect a chairman.

Fourth—A book shall be kept at the institution, to be called the "VISITORS' BOOK," in which every member of the board of visitors, who shall visit the institution, shall enter the year, the day of the month, and hour on which he shall have visited the same, with any remarks he may deem necessary to make respecting any matters connected with the management or regulation of the same, a copy of all which entries shall be made and forwarded weekly to the governor by the clerk.

Visitors' book to be kept.

Fifth—The inspector and director for the time being of the public hospital shall be the inspector and director, and the chaplain of the general and female penitentiary for the time being shall be the chaplain of the new lunatic asylum; and the inspector and director shall have and exercise the same or like functions and rights or authorities, and be charged with the same or like duties, in respect to the new lunatic asylum, as he may exercise and is charged with in respect to the public hospital; he shall from time to time draw up, alter, or amend rules and regulations (subject to the approval of the governor, in executive committee), for the government and guidance of the board of visitors, and all patients, officers, servants, and inmates of the institution, and for enforcing cleanliness, temperance, and decent and orderly behaviour throughout the institution, and among the attendants, and persons visiting the institution; and all rules and regulations, so approved, shall be printed and hung up in some conspicuous parts of the building, and be read aloud publicly by the clerk to the officers and servants of the institution in the presence of the inspector and director once in every month, and copies thereof shall be subscribed by the officers, attendants, and servants, or such of them as shall be required to do so; and such

Inspector and director of hospital, and chaplain of penitentiary, to be inspector and director, and chaplain of asylum.

Duties and authority of inspector.

of

of the same rules and regulations as it may be deemed expedient to give general publicity to may also be published in the Jamaica Gazette, by authority, or any other newspaper under the direction of the governor, in executive committee.

Governor may appoint a medical superintendent,

who must reside on the premises.

Sixth—It shall be lawful for the governor from time to time to appoint, and at pleasure remove, a medical superintendent to the asylum; and, if he shall deem it expedient, may from time to time engage the services of a duly qualified medical officer, trained and accustomed to the modern treatment of the insane; and, as occasion may require, to make an acting appointment; every permanently appointed medical superintendent shall reside upon the premises, and devote his entire time and attention to the interests of the institution; but, in case of an acting appointment, residence upon the premises, and exclusive attention to the institution, may be dispensed with; and, for the services of any qualified medical man holding such acting appointment, such reasonable allowance shall be made as to the governor, with the advice of the executive committee, may seem fit, not exceeding the rate of three hundred pounds *per annum*, to be paid out of the sum hereby allowed for the salary of a medical superintendent, such salary shall be at the rate of six hundred pounds *per annum*; and, in case of an appointment of a medical superintendent from abroad, the governor may allow him not exceeding sixty pounds for his expenses of removal to this island.

Inspector to prepare report annually for legislature.

Seventh—The inspector and director shall annually prepare, and make up, and forward, in triplicate, a report to the governor, for the purpose of being laid before the legislature, of the state and condition of the institution up to the thirtieth day of September in each year; as also of the expenditure, and contract prices for the past year, and the various requirements for the coming year, the originals of which reports shall, before being copied, be submitted to the board of visitors, together with the draft reports of the medical superintendents and chaplain, as hereinafterwards provided, both of which the inspector and director shall have copied in triplicate, to be forwarded to the governor for presentation to the legislature; and it shall be the duty of the chaplain to perform divine service at the institution every Sunday, and, as often on week days as practicable, to visit the sick, and generally to administer religious consolation to such of the inmates as the medical superintendent may consider in a fit state to receive it, but nothing however contained herein shall be construed to prejudice or affect the rights of ministers of any other religious denominations from visiting the institution under such rules and regulations

regulations as may be made by the board of visitors, and be approved of by the governor as aforesaid; and the chaplain shall annually, as soon after the thirtieth day of September as possible, furnish to the inspector and director a draft report as aforesaid.

Eighth—The governor shall have power, on the application of the board of visitors, to appoint, and from time to time to remove, a consulting medical attendant; every such appointment shall be honorary, and without emolument, and such consulting medical officer shall be *ex officio* a member of the board of visitors.

Governor may appoint
consulting medical
attendant,

Ninth—The governor shall have power to appoint, and at pleasure to remove the following officers, who shall severally reside upon the premises; that is to say, a purveyor, or steward, who shall also act as dispenser, or assistant to the medical superintendent, and clerk to the institution, and to the board of visitors, at a salary not exceeding one hundred and twenty pounds *per annum*; a male warden, and a female matron, or male and female head attendant, trained and accustomed to the modern treatment and management of the insane, the salary of the former shall be one hundred pounds *per annum*, and of the latter eighty-four pounds *per annum*, exclusive of board, washing, and servants; and, in case of an appointment of one or both of these officers from abroad, the governor may allow him or her, or each of them, a sum not exceeding twenty-five pounds for expenses of removal to this island.

and certain other officers,
&c.

Tenth—All other subordinate officers and servants shall from time to time be appointed and removed by the inspector and director, with the concurrence of the governor, except the nurses or immediate attendants on the inmates, who shall be appointed and discharged by the inspector and director with the concurrence of the medical superintendent, subject to the approval of the governor; all such officers, servants, nurses, and attendants shall receive salaries, not exceeding such sums as the governor, in executive committee, shall sanction and allow from time to time, and may receive rations or be otherwise dieted daily from or at the institution, and receive other allowances or perquisites in addition to, or in lieu of portion of salary, subject to such rules and regulations as may be framed by the board of visitors as aforesaid.

Inspector to appoint/
other officers.

Eleventh—No stores, provisions, wines, or other necessities of any description (except medical stores and materials for domestic

No stores to be purchased unless advertised for.

domestic or personal clothing, which may be imported from the United Kingdom or elsewhere, with the sanction of the governor, in executive committee, without previous competition), shall be contracted for or purchased for the institution, until after advertisements shall have been duly published in the Jamaica Gazette, by authority, or other newspaper, by direction of the governor in executive committee, calling for tenders therefor, and who shall accept of the most advantageous tenders; all contracts and securities for the performance thereof shall be entered into with the executive committee for the time being for and on behalf of the public of this island, and no contract shall enure for a longer period than one year: *Provided*, That in cases of emergency, but not otherwise, the inspector and director may make contracts for, or order supplies immediately required to be furnished, to an amount not exceeding twenty pounds at any one time.

When female lunatics may be removed to new asylum.

Twelfth—So soon as the new lunatic asylum shall be ready for the reception of females, and notification thereof shall have been published by direction of the governor, in executive committee, in the Jamaica Gazette, by authority, or any other newspaper, the females of unsound mind, who shall then be in the public hospital, shall be transferred to the said new lunatic asylum.

Lunatics charged with felony may be sent to asylum.

Thirteenth—All persons of unsound mind charged with the commission of felony, and acquitted on account of insanity, or who shall be found to be insane at the time of arraignment, or who, under the authority of any act now or to be in force, may be committed or removed to a lunatic asylum, shall be confined in the new lunatic asylum.

Insane persons in destitute circumstances may be sent to asylum.

Fourteenth—Upon information being laid before any justice that any person in destitute circumstances, and whose relations or friends are unable or unwilling to take charge of him is wandering at large, and deemed to be insane, and that it is dangerous he should be permitted to go at large, such justice shall issue his warrant to apprehend such person and bring him before any two justices of the parish for examination, which justice or justices shall have power to summon witnesses, and call to their assistance a legally qualified medical practitioner; and if, upon examination, it shall appear that such person is of unsound mind, and so disordered in his senses that it will be dangerous to permit him to continue at large, such justices shall have power, by order or warrant under their hand, to cause such person to be conveyed to and detained in the new lunatic asylum, which warrant, accom-

panied by a certificate, signed by the medical practitioner, that such person is a fit subject to be confined in a lunatic asylum, and stating the form of disease under which the person labours, shall be delivered and left at the institution at the time such person shall be received thereat: *Provided*, That if more than four weeks' time shall have elapsed from the period of the granting of the medical certificate, in such case it shall be necessary to obtain a fresh certificate of the person's mental state after examination by a duly qualified medical practitioner, previous to such person being received into the asylum; and, in case of any person being sent to the asylum for admission, who shall appear to the medical superintendent to be an unfit subject for admission, it shall be lawful for the said superintendent, with or without further consultation with the consulting attendant, or other medical man, to refuse to receive such person; in which case the medical superintendent shall have power to send such person, if he be sick or destitute, to the public hospital, or to the poor house, and shall at the same time enter his reasons for so acting in the books of the institution, a copy of which shall forthwith be transmitted to the governor by the inspector and director; any person admitted as an inmate to the asylum may be at any time delivered up to his friends or relations, or, upon recovery, discharged, if, in the opinion of the medical superintendent, it shall be safe and expedient to do so.

Fifteenth—The cost of conveyance of any lunatic to the asylum, where expense shall on that account have been incurred, shall be admitted as a charge against the institution when certified by the inspector and director as a just and necessary charge, and no expenditure or draft on such account shall be made by any vestry, or allowed if made.

Expense of conveyance of lunatics a charge against the institution.

Sixteenth—It shall be lawful for the medical superintendent to receive, as an inmate of the institution, any insane person, at the instance of any relative or friend who shall be willing to pay, and shall give security, as the inspector and director shall fix, for payment of the costs and charges for maintenance and treatment of such insane person, at the rate of not less than one shilling and six pence *per diem*, and also of any additional charges for clothing, extra diet, or otherwise, and funeral expenses, upon there being left with the medical superintendent a certificate, signed by two legally qualified medical practitioners, to the effect that they had each separately, and at least on two occasions, examined such person as to his mental condition, and that such person is, in their opinion, insane, and a fit subject to be confined in the asylum.

Other lunatics may be received.

Register of inmates
must be kept by medi-
cal superintendent,

Seventeenth—The medical superintendent shall, immediately on the admission of any person as a lunatic into such asylum, make an entry with respect to such lunatic, in a book to be kept for that purpose, to be called "THE REGISTER OF INMATES," according to such form as shall be agreed upon by the board of visitors, and sanctioned by the governor, in executive committee, and which register shall be regularly entered up, and, at all convenient times, be open to the inspection of the inspector and director, as also to the members of the board of visitors.

who must keep all
books regularly writ-
ten up.

Eighteenth—It shall be the duty of the medical superintendent, with the assistance of the dispenser and the clerk, to keep, regularly written up to date, all such books as may be fixed upon, and which shall be provided by the board of visitors as aforesaid; and it shall be the duty of the medical superintendent to keep a full and faithful record of daily occurrences in the institution, together with a written statement of the past (so far as it can be obtained) and present history of every inmate; and which several books shall be open to the inspection of the inspector and director, as also to the members of the board of visitors at all convenient periods; and farther, the medical superintendent shall annually, as soon after the thirtieth of September as practicable, prepare a medical report of the state and condition of the institution, and its inmates, and which report shall be submitted to the board of visitors by the inspector and director, as is hereinbefore provided.

Notice of death of a
patient must be drawn
up and signed.

Nineteenth—In case of the death of any patient in the asylum a notice, and statement, according to the form in schedule marked A, annexed, of the death, and cause of the death of such patient; and the name of any person or persons who was or were present at the death, shall be drawn up and signed by the clerk and medical officer of such asylum, and a copy thereof shall be by the clerk transmitted to the registrar of deaths for the district.

Destitute patient dis-
charged to be furnish-
ed with means of re-
turning to his home.

Twentieth—It shall be lawful for the inspector and director, upon the discharge of any destitute patient from the asylum, to furnish him with means to support himself until he can return to his home or friends, not exceeding one shilling *per diem*, or eight shillings in the whole for any such discharged patient.

Property of insane
persons to be taken in
charge by the clerk.

Twenty-first—If any insane person shall, at the time of admission, be possessed of any property, the same shall be taken

taken charge of by the clerk, and full particulars thereof be entered in a book to be kept by him, which entry shall be attested by the medical superintendent; and such property, or a sufficient portion thereof, shall be liable for the medical attendance, maintenance, and support, at the rate of one shilling and six pence *per diem* of such insane person, as also of his funeral expenses, in case of death, and may be sold by the inspector and director to defray the same; any remaining property and surplus money shall be delivered up and paid over to the patient upon his discharge, or, in case of his death, to the parties legally entitled thereto, upon application.

Twenty-second—All monies which now are, or hereafter shall be owing by, or on account of patients, or for their funeral expenses, shall be recoverable by the inspector and director in the petty debt court at Kingston, or of the parish in which the defendant may reside, at the option of the inspector and director, without limitation as to the amount to be recovered; and, for recovery thereof, out of the estates and effects of any person of unsound mind, it shall be sufficient to serve the summons addressed to him upon the medical superintendent, and judgment may be enforced under the provisions of any petty debt act then in force, except as respects the imprisonment of such person, while of unsound mind.

How money due by patients, &c. may be recovered.

Twenty-third—If it shall appear to any two justices of the peace that any lunatic hath any estate applicable to his maintenance, and more than sufficient to maintain his family, if any, it shall be lawful for such justices, on the application of the inspector and director, to make an order, in writing, under their hands and seals, to the nearest known relative or friend of such lunatic for payment of the asylum dues, and funeral expenses, or either, incurred by or on account of such lunatic as aforesaid; and in case the same be not paid within one month after service of such order, it shall be lawful for the same, or any other justices, by an order under their hands and seals, to direct any collector of petty debts, or other person to seize so much of the money, and to seize and sell so much of the goods and chattels, and take and receive so much of the rents and profits of the lands and tenements of such lunatic, and of any other income of such lunatic as may be necessary to pay the said dues and expenses, or either, as aforesaid, accounting for the same to the same or any other justices, such dues and expenses, or either, having been first proved to the satisfaction of such justices by the certificate of the inspector and director or otherwise, as they may require, and the amount set forth in such order; and if any trustee or other

Two justices may make order for payment of asylum dues in certain cases.

other person, having the possession, custody, or charge of any property of such lunatic, or if any company or body, or person having in their or his hands any stock, interest, dividend, or annuity belonging or due to such lunatic, pay the whole or any part thereof to defray the amount set forth in such order, the receipt of the collector, or person thereby directed to receive the same, shall be a good discharge to such trustee, company, body, or person paying the same.

Monies to be paid to receiver-general.

Twenty-fourth—All monies to be received under the provisions of this act for the benefit of the institution shall be from time to time paid over to the receiver-general to the credit thereof, and shall be held by him applicable to the expenses of the institution, and payable under warrants from the governor.

Servants striking patients, how punishable.

Twenty-fifth—If any superintendent, officer, nurse, attendant, servant, or other person employed in the asylum shall strike, wound, ill-treat, or wilfully neglect any lunatic confined therein, he shall be guilty of a misdemeanor, and shall be subject to indictment for every such offence, on a summary conviction thereof before two justices, any sum not exceeding twenty pounds, nor less than two pounds.

How medical certificates shall be drawn up.

Twenty-sixth—The medical certificates mentioned in this act shall be drawn up according to the form in schedule B to this act annexed.

Board of visitors may administer an oath in certain cases.

Twenty-seventh—That it shall be lawful for the board of visitors to administer an oath to any officer or inmate of the lunatic asylum whenever they may think fit to institute inquiry on oath or affirmation into any matter of complaint brought before them; and any person wilfully giving false evidence on oath or affirmation under this act, before the said board of visitors, shall be deemed guilty of perjury; and any person procuring or instigating false evidence shall be deemed guilty of subornation of perjury, and shall be subject to be indicted and tried; and, upon conviction, shall suffer such punishment as is by law prescribed for perjury, or subornation of perjury.

Short title.

Twenty-eighth—This act may, for all purposes, be cited as the "NEW LUNATIC ASYLUM ACT, 1861."

Commencement of act.

Twenty-ninth—This act shall come into operation so soon as the new lunatic asylum shall have been declared by the governor to be open for the reception of females of unsound mind, and notification made thereof by advertisement in the Jamaica

Jamaica Gazette, by authority, or any other newspaper in which the same shall be published by order of the governor.

SCHEDULE A.

I hereby give you notice, That *private*
(or pauper) patient admitted into this asylum on the
day of *died therein in the presence of*
on the *day of*

Signature _____
clerk of the asylum.

Dated *day of* 186

I certify, That the apparent cause of death of the said
as ascertained by post mortem examination,
(if so) was

Signature _____
medical superintendent of the asylum.

SCHEDULE B.

FORM OF MEDICAL CERTIFICATE.

I, the undersigned (here state the qualification), and being
in actual practice as a medical practitioner, hereby certify that I,
on the *day of* *at* *in the parish*
(or town) of *(in any case where more than*
one medical certificate is required by this act, here insert
"separately from any other medical practitioner;" and, if ne-
cessary, "on two separate occasions.") personally examined
A. B. of *(insert residence and profes-*
sion, or occupation, if any), and that the said A. B. is a lunatic,
(or an idiot, or a person of unsound mind), and a proper
person to be taken charge of and detained under care and treat-
ment, and that I have formed this opinion upon the following
grounds:

1. *Facts indicating insanity observed by myself (here state the facts.)*

2. *Other facts (if any) indicating insanity communicated to me by others, (here state the information, and from whom.)*

Signed *place of abode.*

Dated this *day of* *one thousand*
eight hundred and

C A P.

C A P. X.

An act to repeal third Victoria, chapter thirteen, and seventh Victoria, chapter forty-one, relating to the cruel and improper treatment of animals, or unlawfully using beasts at pasture, and to make provisions in lieu thereof.

Preamble.

WHEREAS it is expedient for the better protection of property, that an act, passed in the third year of the reign of her present majesty, chapter thirteen, and an act, passed in the seventh year of her present majesty, chapter forty-one, should be repealed: *Be it therefore enacted by the governor, legislative council, and assembly of this her majesty's island, and it is hereby enacted by the authority of the same, That the said acts be, and stand repealed.*

Persons ill-treating animals punishable.

First—If any person shall wantonly and cruelly beat, ill-treat, abuse, or torture any horse, mare, filly, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, dog, or any other cattle, or domestic animal, whether such person be the owner or not, every such offender, being convicted before a justice of the peace, shall, for every such offence, forfeit and pay such a sum of money, not exceeding sixty shillings, nor less than five shillings, with costs, as to such justice shall seem meet; or such justice shall and may commit such offender to prison, not exceeding sixty days, with or without hard labour, in his discretion, without prejudice to any other remedy any party aggrieved by, or in consequence of, such cruel treatment may have, or be entitled to resort to, against any such offender.

They may be apprehended on view, or information, and taken before a justice of the peace.

Second—And, for more easy and effectual apprehension of all offenders against this act, *be it enacted further*, That it shall be lawful to, and for any constable or peace officer, or for the owner of any such cattle or animal, or his agent, upon view of any such cruelty as aforesaid, or upon the information of any other person (who shall declare his or her name and place of abode to the said constable or other peace officer), to seize and secure, by the authority of this act, and forthwith, and without any other authority or warrant, to convey any such offender before any justice of the peace within whose jurisdiction the offence shall have been committed, to be dealt with according to law, and such justice shall forthwith

with proceed to examine, upon oath, any such witness or witnesses, who shall appear, or be produced to give information touching such offence.

Third—If any person shall keep or use any house, room, pit, ground, or other place, for the purpose of cockfighting, or preparing cocks, or other animals for fighting, every such person shall be liable to a penalty not exceeding five pounds, nor less than ten shillings, with costs, for every day in which he shall so keep and use such house, room, pit, ground, or place for the purpose aforesaid, and which penalty shall be recovered in a summary manner before any justice of the peace: *Provided always*, That the person who shall act as the manager of any such house, room, pit, ground, or other place, or who shall receive any money for the admission of any person thereto, or who shall assist in any such fighting, or preparation for fighting, shall be deemed and taken to be the keeper of the same, for the purposes of this act, and be liable to all such penalties as are by this act imposed upon the person who shall actually keep any such house, room, pit, ground, or other place, for the purposes aforesaid.

Persons keeping houses for cockfighting, &c. punishable.

Proviso.

Fourth—If any person or persons by himself, herself, or themselves, or agent, shall catch, take, or drive any horse, or other animal from any property or place, without the consent or permission of the owner, or of the party in possession, every such person and agent shall, on conviction before any two justices of the peace, forfeit and pay a sum not exceeding ten pounds, and, in default of immediate payment, be and stand committed to the nearest prison to hard labor, for a period not exceeding ninety days, at the discretion of such justices, besides being liable to an action at the suit of the party injured or aggrieved, whereby the person acting as agent to be competent to give evidence, if the justices shall consider, from the information laid, that such person acted under the delusion of employers' authority to take and use the animal caught, taken, or driven away without the consent or permission of the owner or party in possession thereof.

Persons taking any animal from any place without consent of owner punishable.

Fifth—In all cases where the justice shall impose pecuniary penalty under this act, one moiety thereof shall be paid for the use of the public, and the other moiety to the person who shall inform and prosecute for the same, and such informer shall be a competent witness, notwithstanding he may be entitled to such part or proportion of such pecuniary penalty, on the conviction of the offender, if the same shall be inflicted and laid.

Penalties how divisible.

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CAP.

C A P. XI.

An act to amend the twenty-sixth section of the seventh Victoria, chapter fourteen, entitled "An act to make provision for the maintenance of good order in towns and communities."

Preamble.

Justices may extend the punishment of imprisonment to thirty days.

WHEREAS the twenty-sixth section of the fourteenth chapter of the seventh Victoria, limits the punishment of the offender, in the event of non-payment of a pecuniary penalty, not exceeding forty shillings, to ten days' imprisonment: *And whereas* such imprisonment is not deemed sufficient as, in comparison with the amount authorised to be imposed by the said act: *Be it therefore enacted by the governor, legislative council, and assembly of this island,* That the justices shall be empowered, from and after the passing of this act, to extend the punishment of imprisonment in every case in which the sentence shall be hard labor, in the event of non-payment of the pecuniary penalty, not exceeding forty shillings, to a term not exceeding thirty days, instead of ten days.

C A P. XII.

An act to amend the main road act, and to make further provision in respect to other roads.

Preamble.

WHEREAS it is expedient to amend "THE MAIN ROAD ACT, 1857:" *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same,* as follows:

Office of county commissioner abolished.

First—The office of county commissioner, under the above recited act, is hereby abolished.

Parochial commissioners of highways to elect three of their body to be local main road commissioners.

Second—The commissioners of highways and bridges in each parish, under any act now or hereafter to be in force, shall, on or before the tenth day of April in each and every year, elect not exceeding three of their own body, who shall consent to be commissioners for the care and superintendence of the main roads in such parish, and for other purposes of this act, who, in conjunction with the custos, or senior magistrate representing the custos, shall be called "LOCAL MAIN ROAD COMMISSIONERS."

Third

Third—The local main road commissioners in each parish shall meet from time to time, as they shall think fit, by a notice, in writing, signed by any two of such commissioners, of whom the custos shall be one, and any two of such commissioners shall, at any time, form a *quorum* for the despatch of business.

Who shall meet from time to time.

Fourth—The clerk to the parochial board of commissioners of highways and bridges, under any act now or hereafter to be in force, shall be the clerk to the board of local main road commissioners, established under this act, and shall receive annually, over and above his salary as clerk to the parochial boards, the sum of ten pounds *per annum* for his services under this act.

Clerk of parochial commissioners to be their clerk.

Fifth—It shall be the duty of such local main road commissioners :

Their duties defined.

First—To aid, and assist, and act under the instructions of the general board of main road commissioners ; to examine every tender received for work or repairs to be done, or for the supply of material on any main road or bridge in the parish for which they shall be elected or appointed ; and, if they shall approve thereof, to countersign the same before its adoption, but if they shall not approve thereof, to state, in writing thereon, or annexed thereto, their objections, and to examine, or cause to be examined, by some competent person, if the county engineer is away, any work or repairs executed, or in progress on any account, or application for an advance of money, being presented to them for attestation, before attesting the same, and before sanctioning payment of the amount, or of any advance thereon for such work or repairs, or any part thereof, and to audit all accounts for the payment of such extra services of any person to be employed as aforesaid, in the absence of the county engineer, and from time to time to lay before the general board of main road commissioners a statement of all tenders accepted or declined, and of all accounts attested, or advances sanctioned, and also of all accounts or applications respectively rejected, or objected to, together with their reason in every case for declining any tender, or for rejecting or objecting to any account, or application for an advance.

Second—To examine every assessment of, or agreement for damages to be made under the sixteenth section of the recited main road act, and to cause the same to be transmitted to the main road commissioners, with their approval subscribed thereto, and signed by them, or, in case of

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disapproval

disapproval, with the particulars of their objections, in like manner subscribed and signed by them.

Third—To receive, and enter on their minutes all statements and reports from the county engineer; and, in case of rejection of, or objection to, any tender, or account, or application for an advance of money, they shall decide the course to be followed in the particular matter, and the county engineer shall govern himself accordingly.

The county engineer to be a member of the board of each parish in his county.

Sixth—Each county engineer shall be a member of the board of local main road commissioners in each parish, in the county for which he shall have been appointed, but shall exercise his vote only as a casting vote when, if ever there shall be only two commissioners present, and they shall differ in opinion.

He must submit to each local main road board all tenders for repairs, &c.

Seventh—Each county engineer shall submit to the local main road commissioners of the respective parish within his county every tender he may have received for any work or repairs to be done on any main road or bridge in such parish, and also every account, and every application for an advance of money on account of any such work or repairs, and every assessment, or agreement for damages under the sixteenth section of the recited main road act respectively for examination; and no tender shall be adopted, or any account or advance audited, unless the same respectively shall have been approved and countersigned by a quorum of local main road commissioners, and unless they shall have directed the adoption or payment thereof respectively, agreeably to the provisions of this act.

And make a complete inspection of the main roads quarterly, and report thereon.

Eighth—Each county engineer shall, at the end of each quarter, make a complete inspection of the main roads and bridges in each parish in his county, and make a report thereof in detail of such inspection to each board of local main road commissioners of each parish, to be forwarded after their inspection, with such remarks as may be deemed necessary for the guidance or adoption of the general board of main road commissioners.

Receiver-general to transmit to the secretary of main road commissioners quarterly statement of revenue.

Ninth—The receiver-general shall, by the first post after the first day of April, July, October, and January respectively in each year, transmit to the secretary of the main road commissioners a quarterly statement, in detail, in the form of schedule to this act annexed, of all the ordinary main road revenue received by him during the previous quarter, as a guide to such commissioners, and such quarterly statements shall be published in the Jamaica Gazette, by authority, by the secretary of the main road board, within fourteen days after the receipt thereof.

Tenth

Tenth—The main road commissioners shall allot the main road revenue towards the annual repairs of the main roads and bridges, and any extraordinary funds from time to time provided by the legislature for the formation or further improvement of the main roads and bridges generally shall be allotted by the main road commissioners, and placed under the management and direction of the respective county engineer, and the local main road commissioners, appointed under this act, for the formation or further improvement of such roads and bridges, as, in the judgment of the county engineer and such local board, ought to be made, or further improved: *Provided*, That the main road revenue arising from road, stock, carts, and wheels in any parish possessing no main road, shall be expended on the improvement of the chief carriage roads and bridges of such parish, in such manner as the commissioners of highways and bridges of any such parish shall determine.

Which commissioners shall allot the main road board revenue towards repairs of roads, &c.

Provided.

Eleventh—Each county engineer shall, for four consecutive weeks, with the sanction of the main road commissioners, advertise in the Jamaica Gazette for persons willing to keep such main road as are not then under contract in order for twelve months, or more, from and after the first day of March in each year.

County engineer to advertise for persons willing to keep roads in repair,

Twelfth—Each county engineer shall, once in each month, make up an account, in detail, of all moneys certified by him as expended on account of the main roads or bridges of the main roads of the county for which he shall have been appointed, and such account shall be verified by the solemn affirmation of such engineer before a justice of the peace, and lodged with the secretary of the main road commissioners.

and make up monthly an account of moneys certified by him as expended.

Thirteenth—Any person who shall leave anything on any road of a nature likely to frighten animals, and thereby cause injury to passengers or property on any such road, shall, on conviction, for every offence, pay a fine not exceeding twenty shillings, or, in default of payment, be imprisoned for twenty days.

Persons leaving any thing on a road to frighten animals,

Fourteenth—Every person who shall commit any of the following offences shall be liable to a penalty, to be recovered summarily before any two justices of the peace, and not exceeding forty shillings; and, in default of payment, shall be committed to the common gaol, or house of correction, with or without hard labor, for any time not exceeding thirty days, unless such penalty shall be sooner paid; that is to say:

or committing any of the following offences, punishable.

Any driver of any wagon, cart, or other carriage of any kind

kind who shall ride upon any such carriage, or upon any horse or horses drawing the same on any road, not having some other person on foot or on horseback to guide the same (such carriages and carts as are driven with reins, and are conducted by some person holding the reins of all the horses drawing the same excepted):

Any driver of any wagon, wain, cart, dray, or other carriage on any road who shall ride on the shafts, or in or on any other part of such carriage, without having and holding reins attached to each side of the bridle of each beast of draught drawing such cart or carriage; or shall at any time leave the same standing, or travelling on any such road without having some person to hold or guide the beast or beasts of draught drawing the same:

Any driver of any carriage whatsoever, on any part of any road, who shall, by negligence, or wilful misbehaviour, cause any hurt or damage to any person, horse, cattle, or goods conveyed in any carriage passing or being on any such road, or who shall quit the same, and go on the other side of the hedge or fence enclosing the same, or negligently or wilfully be at such distance from such carriage, or in such a situation whilst it shall be passing upon such road that he cannot have the direction and government of the horses or cattle drawing the same:

Any person who shall leave any cart or carriage on such road, so as to obstruct the passage thereof:

Any person who shall drive, or act as the driver of any wagon, cart, or other such carriage, not having the owner's name as by law required painted and remaining legible thereon, and who shall refuse to tell, or to discover the true names of the owner or principal owners of such wagon, cart, or carriage:

Any driver of any wagon, cart, or other carriage, or of any horses, mules, or other beasts of draught or burthen meeting any other wagon, cart, or other carriage, or horses, mules, or other beasts of burthen, who shall not keep his wagon, cart, or carriage, or horses, mules, or other beasts of burthen on the left or near side of the road:

Any person who shall in any manner wilfully prevent any other person from passing him, or any wagon, cart, or other carriage, or horses, mules, or other beasts of burthen under his care upon such road, or by negligence or misbehaviour, prevent, hinder, or interrupt the free passage of any person, wagon,

wagon, cart, or other carriage or horses, mules, or other beasts of burthen on any road ; or shall not keep his wagon, cart, or other carriage, horses, mules, or other beasts of burthen on the left or near side of the road for the purpose of allowing such passage:

Any person, riding on any horse or beast, or driving any sort of carriage, who shall ride or drive the same furiously, so as to endanger the life or limb of any passenger :

Every such driver offending as aforesaid shall and may, by the authority of this act, with or without any warrant, be apprehended by any person who shall see such offence committed, and shall be conveyed before any justice of the peace, to be dealt with according to law ; and if any such driver shall refuse to discover his name, it shall and may be lawful for such justice of the peace, before whom he shall be taken, or to whom any such complaint shall be made, to commit him to the common gaol or house of correction, there to be kept to hard labour for any time not exceeding thirty days, or to proceed against him for the penalty aforesaid by a description of his person, and the offence only, without adding any name or designation, but expressing in the proceedings that he refused to discover his name.

Fifteenth—Any driver of any wagon, wain, cart, dray, or other carriage, who shall wilfully or wantonly, or through culpable negligence, suffer such wagon, wain, cart, dray, or other carriage to strike against any retaining wall, parapet wall, or bridge, or to pass over or against the banks appertaining to any road or bridge, which are to be maintained and kept in repair under the provisions of any act now or hereafter to be in force ; or shall, by any negligence or wilful misbehaviour cause any hurt or damage to any such road or bridge, shall, upon conviction of any such offence, before any two justices of the peace of the parish where the offence shall be committed, forfeit, for every such offence, any sum not exceeding forty shillings, with costs, to any person who shall make such complaint ; and, in default of payment thereof, shall be committed to the nearest prison for any time not exceeding thirty days, with or without hard labour, at the discretion of the convicting justices.

Drivers of wagons, &c. committing certain offences, punishable.

Sixteenth—If any person shall ride, or shall lead or drive any horse, ass, mule, cattle, swine, or carriage, or any single wheel of any wagon, wain, cart, dray, or carriage along any ditch, drain, or other water table, except in case of necessity, alongside of any road, or shall wilfully obstruct, or do, or cause any injury or damage to be done to the same, or to any bridges

Any person committing certain offences, punishable.

posts

posts, rails, or fences thereof, or in ploughing, or in the cultivation of any inclosed lands adjacent to any road, shall turn any horse, cattle, or other animal upon the same, or by the side or sides thereof, or shall suffer any water, filth, dirt, or other offensive matter or thing whatsoever to run or flow into, or upon such road from any house, building, erection, lands, or premises adjacent thereto; or if any person, after having blocked or stopped any cart, wagon, or other carriage in going up a hill or rising ground, cause, or suffer to be, or remain on such road, the stone, or other thing with which such cart or other carriage shall have been blocked or stopped, every person offending in any of the cases aforesaid shall, for each and every such offence, forfeit and pay any sum not exceeding fifty shillings, over and above the damages occasioned thereby, or, in default of payment of such fine, be imprisoned for thirty days.

County engineer may order any timber, &c. left on any road to be seized and sold.

Seventeenth—It shall be lawful for any county engineer, local main road, or other commissioner, or waywarden of any highway, or any person authorized by either of them, to seize and carry off any timber, stone, dung, rubbish, or other matter or thing whatsoever laid or left upon any road or bridge, or side drain, or ditch thereof, so as to be a nuisance, and to sell, or otherwise dispose of the same as a forfeiture, in such manner as the county engineer, local main road, or other commissioner, or waywarden shall direct, unless the owners thereof shall previously redeem such matter or thing by payment, to the county engineer, in respect of any main road, or to the clerk of the commissioners of highways and bridges of the respective parish in respect of any other road whereon respectively, or on any bridge, or side drain, or ditch whereof respectively any matter or thing shall have been laid or left as aforesaid, of the sum of not exceeding five pounds, by way of penalty; and every such payment shall be made to the receiver-general, or otherwise applied, with the sanction of the main road commissioners, or commissioners of highways and bridges of the respective parish, as the case may require, to the account of the road in respect whereof the same shall have been paid: *Provided always*, That the proprietor or occupier of any land or house may lay down any material for rebuilding or repairing any house or wall immediately adjoining any road or bridge, such materials occupying one fourth part of the breadth of such road only, and such proprietor or occupier giving three days' previous notice, in writing, to the county engineer, or local main road commissioner, or waywarden, or erecting such fence round such materials, and fixing and lighting lamps thereon, in such manner as the county engineer, or local main road commissioner, or waywarden shall think fit and require: *Provided also*, That if any soil

Proviso.

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soil, ashes, or rubbish shall be laid on any road, and if such soil, ashes, and rubbish shall not be of sufficient value to defray the expense of removing them, the person who laid or deposited such soil, ashes, or rubbish, shall repay to the county engineer, or local main road commissioner, or waywarden, the money which he shall have necessarily expended for the removal thereof, which money, in case the same shall not be forthwith repaid, shall be levied as forfeitures or penalties are herein directed to be levied.

Eighteenth—It shall be the duty of the several county engineers, and of the waywardens of each road, or the person acting under his or their authority respectively, to place posts to mark the line through deep or dangerous fordings, or mouths of rivers.

County engineers to place posts to mark line of fordings.

Nineteenth—At every toll gate or bar, as shall be directed by the commissioners of the highways and bridges of the respective parish, it shall be the duty of the toll keeper to cause a light to be conspicuously placed, during each night, by the side of the road, at the spot where such toll gate or bar has been or shall be erected or placed, so as that the light may be distinctly visible to persons approaching such toll gate or bar on each side thereof; and it shall be the duty of every contractor for the repairs of any bridge, or section of any road, in case the same, during the time it shall be under such repairs, become dangerous to persons travelling by night, to fence such bridge, or section of road, during such time as the same shall continue dangerous, and to cause a light, during each night, to be conspicuously placed at or near to such bridge, or section of road, to warn travellers of such danger, under a penalty of five pounds on any such toll keeper or contractor respectively for every omission in any of the respects last-mentioned; and, with respect to any toll gate, the tolls of which shall have been leased by any existing lease, and in respect to any existing contract for repairs as aforesaid, the main road commissioners, or the commissioners of highways and bridges of the said parish, as the case may require, may make such reasonable allowance for such respective light as to them shall seem proper.

Toll keeper to place light at night at toll gate.

Contractor to fence roads under repair, if dangerous.

Twentieth—It shall not be lawful for any person in charge of any wagon, wain, cart, or dray, travelling on any road, to travel in the dark, unless he shall have a light, placed in some conspicuous part of his wagon, wain, cart, or dray, under a penalty not exceeding twenty shillings for each offence, and, in default of payment, the party so offending shall be sentenced to imprisonment

Persons in charge of wagons, &c. travelling in the dark to have lights on such wagons, &c.

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imprisonment

imprisonment, with or without hard labour, for a period not exceeding fifteen days.

Pits dug on lands adjacent to roads to be fenced in.

Twenty-first—If any proprietor, or occupier of any lands adjacent to any road, or any engineer, or contractor, shall dig any pit, or make any cut at the side of any such road, which shall be dangerous to travellers and their animals, and shall not fence the same when required so to do by any local main road commissioner, or waywarden, or any commissioner of highways and bridges of the parish, or other person acting under their or either of their authority, such proprietor or occupier, engineer or contractor, shall forfeit and pay a sum not exceeding twenty shillings for every day such pit or cut shall continue to be unfenced beyond three days after he shall have been required as aforesaid; and it shall be lawful, after such requisition, for the said waywarden, or commissioner, to cause the same to be fenced at the expense of such proprietor or occupier, or engineer, or contractor, which expense, if not paid on demand, shall be recovered as any penalty under this act may be recovered.

County engineer, &c. may make road through adjoining ground at narrow part of road, whilst the same is being repaired.

Twenty-second—It shall be lawful for any county engineer, or waywarden, to make a road through the grounds (not being the site or ground whereon any house stands, nor being a garden, yard, court, plantation, provision ground, or avenue to any house or ground set apart for building ground), adjoining to any ruinous or narrow part of any road, to be made use of as a public road whilst the old road is repairing or widening, making recompense to the proprietor or occupier of such grounds for the damages he may sustain thereby; and, in case such county engineer, or waywarden, and proprietor, or occupier shall differ as to the amount of such damages, it shall be competent for the commissioners of main roads, in board assembled, to hear and determine all questions as to the amount of such damages, and the expense attending the same.

Owner of lands adjoining roads to lop trees, &c. hanging over such roads.

Twenty-third—The owner, or occupier, or his agent, attorney, or overseer respectively, of the land next adjoining to any road or bridge shall cut, prune, or lop the fences, and also cut, prune, or lop branches of trees, bushes, or shrubs growing in or near such fences of the land adjoining as aforesaid, (such fences, trees, or shrubs not being in any garden, or orchard, walk, or avenue to any house, nor any tree, bush, or shrub, being an ornament or shelter to a house, unless the same shall hang over the road or bridge, or any part thereof, so as to impede, or annoy any carriage, or person travelling thereon), in such manner that the road or bridge shall not be prejudiced by the shade thereof, and that the sun and wind may not be excluded from such

such road, to the damage thereof; and if any such owner, or occupier, his agent, attorney, or overseer, shall not, within fourteen days, after notice given, in writing, for that purpose by any local main road commissioners for the time being for any parish in respect to main roads, or by the commissioners of highways and bridges for the several parishes, or by the waywardens, or other persons respectively appointed, or to be appointed by them for such purposes, in respect to parochial roads, cut, prune, and lop, or cause to be cut, pruned, or lopped, such fences, or cut down or lop, or cause to be cut down or lopped, such trees, branches of trees, bushes, and shrubs, in manner aforesaid, the said local main road commissioners, or the commissioners of highways and bridges, and the waywardens, or other persons appointed, or to be appointed as aforesaid, in case of default, by any owner or occupier, his agent, attorney, or overseer as aforesaid, are, or is hereby required to cause to be cut, pruned, or lopped such fences, trees, branches of trees, bushes, and shrubs in manner aforesaid, and such owner or occupier, his agent, attorney, or overseer, shall be charged with, and pay the charges and expenses of doing the same, and in default of payment thereof, the said charges and expenses may be recovered, together with costs, if any incurred on the proceeding, in like manner as any penalty may by this act be recovered.

Twenty-fourth—If any person shall, with any horse, mule, ass, cattle, beast, or carriage, go off, or pass from any turnpike road through or over any land or ground near or adjoining thereto (not being a public road, and such person, not being the owner, or occupier, or servant, or one of the family of the owner or occupier of such land or ground), with intent to evade the payment of the toll granted by any act of the legislature of this island, now or hereafter to be in force; or if any owner or occupier of any such land or ground shall knowingly or wittingly permit or suffer any person (except as aforesaid) with any horse, mule, ass, cattle, beast, or carriage whatsoever to go or pass through or over such land or ground with intent to evade any such toll; or if any person shall give or receive from any person other than the collector of the toll, or forge, counterfeit, or alter any note or ticket directed to be given by any such collector, with intent to evade the payment of the tolls, or any part thereof; or if any person shall fraudulently or forcibly pass through any toll gate with any horse, mule, ass, cattle, beast, or carriage, or shall leave upon the said road any horse, mule, ass, cattle, beast, or carriage whatsoever, by reason whereof the payment of any toll or duties shall be avoided, or lessened, or shall take off, or cause to be taken off, any horse, mule, ass, or other beast or cattle from any carriage, either before or after

Persons going off roads with intent to evade the payment of toll, and persons permitting such evasion, punishable,

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having

having passed through any toll gate, every such person shall, for every such offence, forfeit and pay any sum not exceeding five pounds.

Persons injuring any turnpike gate, &c. punishable.

Twenty-fifth—If any person whatsoever shall wilfully or maliciously pull down, pluck up, throw down, level, or otherwise destroy or damage any turnpike gate, or any chain, rail, post, or bar, or other fence belonging to any turnpike gate, or any other chain, bar, or fence of any kind whatsoever set up or erected, or hereafter to be set up or erected to prevent passengers passing by without paying any toll directed to be paid by any act of the legislature of this island now or hereafter to be in force relating thereto, or any house erected, or to be erected for the use of any such turnpike gate, or shall forcibly rescue any person, being lawfully in custody of any officer or other person for any of the offences before mentioned, then, and in any of the said cases, every person, so offending, being thereof lawfully convicted, shall be adjudged guilty of felony; and shall be sentenced to hard labor for a period not exceeding seven years, or, in mitigation thereof, may suffer such other punishment as the court may direct.

Main road commissioners, &c. may direct prosecutions for breaches of this act.

Twenty-sixth—The main road commissioners, or commissioners of any road, as the case may require, at a public meeting respectively may, and they are hereby empowered, if they think fit, to direct prosecutions by indictment or otherwise against the offender for any nuisance, or any offence done, committed, or continued in or upon any road under their care respectively, or to recover any penalty or forfeiture incurred under the provisions of this or any other act now or hereafter to be in force, at the expense of the revenues belonging or applicable to such road, to be allowed by such respective commissioners at some subsequent meeting.

Resistance to persons employed under this act punishable.

Twenty-seventh—In case any person shall resist or make forcible opposition against any person employed in the due execution of this act, or any other or future act made for making, amending, or repairing any road, or shall assault any county engineer, local main road or other commissioner, waywarden, surveyor, or any collector of the tolls in the execution of his office, or shall pass through any turnpike gate or gates, rail or rails, chain or chains of other fence or fences set up, or to be set up by authority of this or any such act of the legislature of this island now or hereafter to be in force, without paying the toll appointed to be paid at such gate or other fence, or shall hinder, or make any rescue of cattle or other goods distrained by virtue of this act, every such person, offending therein shall, for every such offence, forfeit any sum not exceeding ten pounds, at

at the discretion of the justice or justices of the peace before whom he or she shall be convicted.

*Twenty-eighth—*And whereas offences may be committed against this act or other acts for making, maintaining, and repairing turnpike roads by persons unknown to the collectors, or other officers: *Be it therefore further enacted*, That it shall be lawful for any local main road commissioner, or any commissioner of any road, or their secretary, or clerk, or clerks, or their collectors, surveyors, or other officers respectively, and such other person or persons, as he or they shall call to his or their assistance, without any warrant or other authority than this act, to seize and detain any unknown person who shall commit any such offence or offences, and take him before any justice of the peace for the parish near to the place where the offence or offences shall be committed, or such offender shall be seized and apprehended, and such justice shall, and is hereby required to, proceed and act with respect to such offender, according to the provisions of this act, or any other act for making or repairing roads.

Local main road commissioners, &c. may detain any unknown person who may commit any offence against this act, &c.

*Twenty-ninth—*All toll gates shall be thrown open, and no toll shall be demanded or taken from any person on any Sunday, Good Friday, or Christmas day, from six of the clock in the morning until nine of the clock at night: *Provided*, That such exemption shall not extend to persons with animals carrying burthens.

Persons exempt on Sundays, &c. from payment of toll dues:

Proviso.

*Thirtieth—*On the advice of the chief engineer of roads and bridges that the laying down and maintenance of a tramway in any locality, where the making and repairing of the ordinary main road is unusually difficult, would be expedient and advantageous, it may be lawful for the main road commissioners to cause any such tramway to be laid down accordingly: *Provided*, That the expense per mile shall not exceed one thousand pounds, and all and any of the powers and authorities given in the act of the twenty-second Victoria, chapter ten, for encouraging the formation of tramroads, to be exercised by the main road commissioners, or any commissioners to be thereunder appointed for the construction and management of any tramroad shall, as far as may be necessary or applicable, be vested in, and exercised by the main road commissioners, in respect to any tramway laid down or undertaken under this enactment.

Tramways may be laid down in certain cases.

Proviso.

*Thirty-first—*It shall be the duty of the receiver-general to make up distinct and separate statements of all monies received under the provisions of any act for road purposes, to the thirtieth day of September in each year, and to forward the same to the executive committee, to be laid before the house of assembly on or before the first day of November following, or at its meeting thereafter.

Receiver-general to make up annual statements of monies received for road purposes.

Thirty-second

And deduct from monies received for cart licenses, &c. 20 per cent. for main road purposes.

Thirty-second—The receiver-general shall deduct from the monies to be payable under "The License Duties Acts," passed, or to be passed this session, for licenses on drays, carts, water carts, wains, wagons, spring carts, and hackney or other carriages, and in respect of carriages, horses, and asses, a sum equal to twenty *per cent.* upon the monies paid over to him, and carry the same, and shall also carry all monies received by him for land tax, or arrears thereof, to the credit of the "Main Road Fund," to be applied and appropriated under the provisions of the "Main Road Act, 1857," and the "Main Road Fund Act, 1857," or any act in aid of amendment thereof respectively.

Residue of monies applicable to the repair of roads under parochial commissioners.

Thirty-third—The residue of the monies to be paid to the receiver-general for licenses as aforesaid, which shall be raised in each parish, shall be applied and appropriated to the repairs and improvement of the roads under the management and superintendence of the commissioners of highways and bridges of each such parish respectively, and shall be carried to the credit of a separate account, to be opened by the receiver-general with the commissioners of each such parish.

Schedule of additional main roads.

Thirty-fourth—From and after the passing of this act the following roads shall form part of the main roads of this island :

First—That portion of road from Hoghole estate, in Saint Thomas in the Vale, to the main road near Shenton estate, in the same parish.

Second—The road from the Baptist Chapel, in Spanish-Town, in Saint Catherine, to the entrance of the Guanaboa Vale, at Aylmer's, in Saint John's parish, and the road from Worthy Park estate, in the same parish, to the junction with the main road at Ewarton.

Third—The proposed new road from north to south between the parish of Trelawny and the parishes Saint Elizabeth and Manchester.

Fourth—Such part of the road from the Bogue, in Saint Elizabeth's, as leads through Elim, to the junction of the main road at the Tomb Stones, near Lacovia bridge, in the same parish.

Fifth—That portion of the road from the harbour of Port-Morant, through Bowden, across the iron bridge to the main road at the foot of Quaa Hill, leading to Mauchioneal ; and that the present portion of the main road through Bath from Port-Morant to the foot of Quaa Hill, be transferred to the parochial road board.

Thirty-fifth

Thirty-fifth—Any grant made, or to be made for opening and making the proposed new grand junction road from north to south, between the parish of Trelawny and the parishes of Saint Elizabeth and Manchester, shall, from the passing of this act, be under the control and disposal of the main road commissioners, to be appropriated by them for such purposes.

Grants for making new road between Trelawny and Saint Elizabeth to be under the control of main road commissioners.

Thirty-sixth—The engineer appointed, or to be appointed under "The Main Road Act, 1857," (twenty-first Victoria, chapter thirty-two), for the county of Middlesex, shall be called the chief engineer of roads and bridges.

Engineer for Middlesex to be chief engineer of roads, &c.

Thirty-seventh—It shall be lawful for the governor, in executive committee, from time to time to appoint a convenient place in the town of Saint Jago de la Vega for the office of the chief engineer of roads and bridges, and of the colonial engineer and architect, and to order the said office to be fitted up and prepared for the convenient discharge of the duties to be performed therein.

Governor to appoint an office for same.

Thirty-eighth—No civil engineer employed under this act, or local main road commissioner, shall engage, either directly or indirectly, or be personally interested in any contract for any work on any road whatsoever.

No engineer to engage in any contract for work on any road.

Thirty-ninth—In case of the death, removal, or absence of any of the civil engineers appointed, or to be appointed under the recited act, it shall be lawful for the governor, with the advice of the executive committee, to require the surviving or remaining civil engineers or engineer to perform the duties, or any part of the duties of him or them so deceased, removed, or absent for any period not exceeding six months, and to allow such remuneration for the performance of such duties out of the lapsed salary or salaries, as to the governor, with such such advice, may seem proper.

In case of death or absence of any engineer remaining engineer to perform the duties.

Fortieth—At the meeting directed by the eleventh section of the recited act, the engineer shall produce and submit for inspection and examination, a plan or section of the road intended to be altered, and of the intended alterations, or of the road intended to be discontinued, or of the new road intended to be laid out.

Engineer to submit plans of roads intended to be altered, &c.

Forty-first—The prohibition contained in the twenty-ninth section of the recited act shall not affect any existing rights with regard to any such gate or gates therein mentioned, except in the event of the proprietor, or person in possession thereof, failing to keep a watchman to attend the same.

Prohibition respecting gates on main roads not to affect existing rights.

Forty-second—A sum not exceeding fifty pounds *per annum* shall be placed at the disposal of the governor, in executive committee,

Provision for contingencies of office of main road commissioners.

mittee, as and for contingencies of office of the "Main Road Commissioners."

Main road commissioners may permit tramways to be laid down along any main road.

Proviso.

Governor need not attend meetings of main road commissioners.

Forty-third—It shall be lawful for the main road commissioners, on such conditions and security as to them shall seem reasonable, to permit the promoters of any private tramway to lay down the same along the side of, or over, under, or across any main road: *Provided*, That any such tramway shall not interfere with the general traffic or convenience of passengers on any such main road.

Forty-fourth—It shall not be necessary for the governor to preside at, or attend any meeting of the main road commissioners, except where the purpose of the meeting shall be to discuss or determine what money shall be borrowed for the purposes of the main road act.

Certain acts repealed.

Forty-fifth—The acts of the twenty-first Victoria, chapter thirty-three, and twenty-second Victoria, chapter nineteen, are, and each of them is hereby repealed, without prejudice to any act or thing done thereunder respectively.

Penalties how recoverable.

Forty-sixth—Every penalty imposed by this act may be recovered in like manner as any penalty imposed by the "Main Road Act, 1857," is recoverable.

Meaning of certain words defined.

Forty-seventh—Unless there be something in the subject or context repugnant thereto respectively, the following expressions, used in this act, shall have the meaning assigned to them respectively; that is to say,

The word "horse," shall mean "horse, mare, gelding, mule, or ass:"

The word "beast," and the word "cattle," respectively, shall mean any horned stock, sheep, goat, or swine:

The word "carriage," shall mean any wagon, wain, cart, dray, or other carriage or vehicle whatsoever of any description, and whether with or without springs:

The word "road," or "roads" respectively, shall mean any main road, or roads, or any other highway or highways, or road or roads whatever:

The expression "Main Road Act," shall include, as well the "Main Road Act, 1857," as any other act now or hereafter to be in force relating to main roads:

The word "act," shall mean any act now or hereafter to be in force relating to main roads, or any other highway or road whatsoever.

Forty-eighth

Forty-eighth—And whereas the secretary of the main road commissioners will have extra duties imposed upon him by the operation of this act: *Be it therefore enacted*, That the said secretary of the main road commissioners shall be paid a salary of fifty pounds *per annum* in addition to the salary now by law payable to him.

Additional salary to secretary of main road commissioners.

Forty-ninth—This act may, for all purposes, be cited as “The Main Road Act Amendment,” and general “Road Act, 1861.”

Short title of this act.

Fiftieth—That in all actions brought against any person employed in any works on the main roads, or for every act done in pursuance of this act, or any other act in force relating to main roads, the defendant may plead the general issue, and give the special matter in evidence.

Persons employed under this act may, in any action against them, plead the general issue.

SCHEDULE.

Quarterly Main Road Fund Account, from the 18 *to the* day of 18

	Arrears of Land Tax.	Land Tax.	License Du- ties.
Saint Catherine -			
Saint John -			
Saint Dorothy -			
Saint Thomas in the Vale			
Saint Mary -			
Clarendon -			
Vere -			
Saint Ann -			
Kingston -			
Saint Andrew -			
Port-Royal -			
Saint David -			
Saint Thomas in the East			
Portland -			
Saint George -			
Metcalfe -			
Saint Elizabeth			
Westmoreland -			
Hanover -			
Saint James -			
Trelawny -			

X

Quarterly

Quarterly Main Road Fund Account, (continued).

RECAPITULATION.		
Received for arrears of land tax	-	
" " " land tax		
Deductions under "License Duties Act"		
Tollage from		
Ferry toll gates	-	
River Road	-	
&c. &c. &c.	-	
Expenditure—Cornwall	-	
Middlesex	-	
Surry	-	
Salaries	-	

receiver-general.

C A P. XIII.

An act for raising a tax by a duty on deeds, law proceedings, and other instruments, and on vellum, parchment, and paper, ascertained by stamps, and applying the same to the public service.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:

SHORT TITLE.

Short title.

First—This act may, for any purpose, be cited as "THE STAMP DUTY ACT, 1862."

Duties in schedule to be raised on instruments mentioned therein.

Second—There shall be raised, from and after the passing of this act, for the use of the government of this island, upon and in respect of the several instruments mentioned in the schedule herunto annexed, the several duties therein respectively specified.

Receiver-general to provide adhesive stamps and dies, &c.

Third—It shall be the duty of the receiver-general to provide, at the public expense, from time to time, such quantity of adhesive stamps as may be necessary and requisite, and sufficient stamps or dies for denoting and impressing the several duties hereby imposed, and to employ a servant at a salary not exceeding in the whole the

sum

sum of thirty pounds *per annum*, to work the stamping presses, and to perform such other duties as may be required of him in the stamp office.

Fourth—All adhesive stamps shall be made up into packets or parcels, and properly labelled by the commissioner of stamps, with the denomination and amount of stamps contained therein, and such adhesive stamps, together with the stamps or dies for impressing stamps (when the latter are not in use), shall be deposited and kept locked up in the stamp office chest, which chest shall have two locks of different construction, one of the keys of which shall always be kept by the receiver-general, and the other by the said commissioner of stamps, and such adhesive stamps shall be taken out of such chest at such times and in such quantities as may be necessary for the supply of persons applying to purchase the same, by the said commissioner, in the presence of the receiver-general, or his recognized clerk; and the stamps, or dies for impressing stamps, shall also, in every case be taken out of such chest for use when required, and again be deposited therein, in the presence of the receiver-general, or his said clerk.

How adhesive stamps are to be made up and (with dies) kept and obtained, when required for sale or use.

OFFICE DUTIES, AND SALARY, &c. OF COMMISSIONER OF STAMPS.

Fifth—The governor is hereby authorized and empowered, from time to time, under his hand and seal, to appoint a commissioner of stamps for the purposes of this act, who shall hold office (except as herein is provided) during the existence of this act; and the person who shall be so appointed shall attend daily at the receiver-general's office in Kingston (Sundays and holidays excepted), from the hour of nine of the clock in the morning until the hour of three of the clock in the afternoon, and he shall record his appointment in the secretary's office of this island, and make out, in writing, the following oath, which he shall subscribe and take before one of the judges of the supreme court, and lodge with the secretary of the executive committee; and in case any person, so appointed, shall presume to act as commissioner of stamps before he has recorded his appointment, and taken the oath as aforesaid, he shall forfeit and pay the sum of five hundred pounds.

Commissioner of stamps to be appointed by governor,

his term of office and duties,

his appointment to be recorded.

I, A. B. do swear, truly and faithfully to execute and perform the duties of commissioner of stamps under an act, entitled "The Stamp Duty Act, 1862," and that I will, without fear, favor, or affection, inform against any person who shall evade, or attempt to evade, any part of the said act, contrary to the true meaning and intent thereof.—So help me God.

Oath of office to be taken by him.

X 2

But

New appointment under this act unnecessary.

But it shall not be necessary for the governor to issue a new appointment to the person who, on the passing of this act, shall hold the office of commissioner of stamps, nor for such person again to take the said oath.

Commissioner may be removed.

Sixth—It shall be lawful for the governor at any time to remove the commissioner of stamps for any misconduct or neglect of duty, and whenever a vacancy shall occur, by reason of such removal, or of the death, or resignation of the commissioner, to fill up the same.

His salary.

Seventh—The said commissioner shall be paid a salary at and after the rate of three hundred pounds per annum, by quarterly or monthly payments, such salary to commence from the day on which he shall enter on the execution of his duty, or, in the case of the present commissioner, from the commencement of this act, and shall include, and be in full of all contingencies of office, not specifically provided for by this act.

He may appoint a deputy.

Eighth—In case of sickness, or other incapacity of the said commissioner, it shall be lawful for him, by writing under his hand, to appoint a fit and proper person, with the consent of the receiver-general, to act as his deputy, in the discharge of his duties, and the commissioner shall be responsible for the acts and defaults of his deputy.

Must render accounts quarterly to executive committee.

Ninth—The said commissioner of stamps shall render to the executive committee on the last day of each quarter, or within ten days thereafter, or whenever required by the said executive committee, a just and true account, on oath, of the number, denomination, and value of the respective stamps delivered and impressed by him, or under his direction, or superintendence, on each day during the period embraced in every such account, under a penalty, for every neglect, of one hundred pounds.

ACCOUNTABILITY OF RECEIVER-GENERAL.

Receiver-general liable for amount of accounts rendered by commissioner.

Tenth—The receiver-general shall be liable for the amount of the accounts which shall from time to time be rendered by the commissioner of stamps to the executive committee, after deduction of the amount of such stamps as may remain unsold in his hands, and all such other deduction as the executive committee shall think him fairly entitled unto.

DISCOUNT ON STAMP DUTIES.

10 per cent. discount allowed on purchase of stamps.

Eleventh—A discount of ten pounds *per cent.* shall be allowed to all persons purchasing at the stamp office, in Kingston, stamps to the

the value of five pounds, and upwards, unless by this act otherwise provided.

AS TO THE DISTRIBUTION OF STAMPS.

Twelfth—Each collector of dues, except in the city and parish of Kingston, shall be a distributor of stamps, and be styled “COLLECTOR OF DUES AND STAMP DUTIES,” to whom the receiver-general shall issue such quantity of adhesive stamps, and stamped paper and printed forms, of the respective denominations or values necessary to meet the demands of the public; and every collector of dues and stamp duties now in office, before being entrusted with stamps for distribution, shall give additional security, according to the provisions of the “TAX COLLECTION ACT,” or any other or future act regulating the security to be given by collectors of dues; and any person, to be hereafter appointed collector of dues, and of stamps, shall enter into security as aforesaid, to account for all stamps, and stamped paper, and printed forms, which shall from time to time be delivered to him as aforesaid, and shall from time to time be sold, or remain on hand respectively; and also to account for and pay over all monies received by him, for or on account of the sale of such stamps, and of such paper and printed forms respectively, as fixed by this act, or the schedule hereto; and he shall render such account to the receiver-general, as that officer shall direct, and shall pay over the monies so received by him at the periods fixed for the payment of other monies received by him as collector of dues.

Collectors of dues appointed distributors of stamps,

required to give security,

and to account and pay over monies.

Thirteenth—In case the receiver-general shall omit to get in and compel such periodical account and payment, by the collector of dues and stamp duties, as by this act directed, the receiver-general shall be charged with whatever monies shall in consequence fall due and in arrear from any defaulting collector, on these accounts.

Receiver-general chargeable with arrears of collector of dues.

Fourteenth—The collector of dues and stamp duties shall, as a remuneration for his trouble and services, be allowed to retain, from the proceeds of sales by him of such stamps, and paper, and printed forms, a commission at the rate of five *per cent.* on the amount of all such sales.

Commission to collector of dues.

Fifteenth—Collectors of dues and stamp duties, and dealers in the sale of stamped paper, may demand, over and above the amount of stamps impressed thereon, a sum of money for, and in respect of, each sheet of paper, according to the following scale:

Rates at which paper may be charged.

On every slip with a stamp or stamps of the value
of 1s. 6d. 2s. 2s. 6d. or 3s.

£0 0 1
Above

Above 3s.	£0 0 2
Sheet, or half sheet of foolscap, or folio post	0 0 1½
medium paper	0 0 3
royal ditto	0 0 6
imperial ditto	0 0 9

And there shall be chargeable on each sheet,
or half a sheet of printed forms, the sum of 0 0 3

which shall include and satisfy the charge for paper.

Penalty for demand
ing higher rates.

Sixteenth - If any collector of dues and stamp duties, or dealer in stamps, shall demand any amount for any stamp beyond the value of such stamp, or for paper, or for any form beyond the rate hereby fixed, he shall forfeit a sum not exceeding ten pounds.

Certificate of admission of barrister, &c.
must be stamped.

Seventeenth—Every certificate of the admission of a barrister, and a solicitor, attorney, or proctor, to practice in the courts of this island, shall be stamped as by this act is required, and shall be signed by the clerk of the supreme court and crown, or his lawful deputy; and any barrister, solicitor, attorney, or proctor, who shall not, upon his admission, take out a certificate of admission, is hereby declared incapable of acting, practising, or officiating in any court of this island, or otherwise, in such capacity; but one certificate of admission, so stamped and signed as aforesaid, shall entitle a barrister, solicitor, proctor, or attorney to admission in every court of law and equity in this island; and no barrister, solicitor, proctor, or attorney, who shall have taken out his certificate as aforesaid, shall be required to produce such certificate of admission.

Penalty on persons
preparing deeds, &c.
for reward.

Eighteenth—Any person who shall, for or in expectation of any fee, gain, or reward, directly or indirectly draw or prepare any conveyance of, or deed, will, or instrument relating to, any real or personal estate, or any proceedings in law or equity (such person not being a barrister, solicitor, attorney, or proctor, or person employed solely to engross any deed, instrument, or proceeding, not drawn or prepared by himself, or a person drawing or engrossing the same for his own account respectively, or a public officer drawing or preparing official instruments applicable to his office, and in the course of such duty), shall forfeit and pay for each such offence the sum of twenty pounds.

BANK NOTES.

Banks must give security for payment of composition for stamp duties on notes,

Nineteenth—Any banking corporation, or copartnership in this island, may issue and re-issue notes payable to bearer on demand, without the same being stamped as by this act is required, upon giving security, by bond to her majesty, of two of the directors, members, or partners of such corporation, or copartnership, together with

with the manager, secretary, cashier, or accountant employed by such corporation, or copartners, as the executive committee shall require; and such bonds shall be taken in such penalty as the duties may be computed to amount to during the period of one year, with condition to deliver to the commissioner of stamps, within twelve days after the last day of each of the months of March, June, September, and December in every year, during the existence of this act, a just and true account, verified upon the declaration of any director, manager, secretary, cashier, or accountant of such corporation, or copartnership, to be made before any justice of the peace, of the amount or value of all their promissory notes in circulation on some given day in every week, for the space of one quarter of a year, prior to the quarter day immediately preceding the delivery of such account, together with the average amount or value thereof, according to such account; and also to pay, or cause to be paid into the hands of the receiver-general of this island, as a composition for the duties which would otherwise have been payable for such promissory notes, issued within the space of one year, the sum of twenty shillings for every one hundred pounds, and also for the fractional part of one hundred pounds of the said average amount or value of such notes in circulation, according to the true intent and meaning of this act; and it shall be lawful for the said executive committee to fix the time of making such payment, and to specify the same in the condition of every such bond; and every such bond may be required to be renewed from time to time, at the discretion of the said executive committee, and as often as the same shall be forfeited, or any party to the same shall die, become insolvent, or reside in parts beyond the seas.

Twentieth—On the coming into operation of this act, it shall not be lawful for any banker to issue any unstamped promissory note for money, payable to the bearer on demand, without taking out a license yearly for that purpose, which license shall be granted by the commissioner of stamps for the time being, on payment of the full duty charged thereon by this act, without any allowance of discount; and every such license shall specify the proper name, and place of abode of the person, or the proper name and description of any body corporate, to whom the same shall be granted, and also the name of the town or place where, and the name of the bank, as well as the partnership or other name, style, or firm under which such notes are to be issued; and where any such license shall be granted to persons in partnership, the same shall specify the names and places of abode of all the persons concerned in the partnership, whether all their names shall appear in the promissory notes to be issued by them or not, and, in default thereof, such license shall be absolutely void; and every such license shall be dated on the day on which the same shall be granted, and shall have effect

and take out annual
license for issuing
unstamped notes.

fect, and continue in force from the day of the date thereof, until the thirty-first day of December then next following, both inclusive: *Provided*, That any license taken out under the acts now in force, since the thirty-first day of December last, shall enure and operate under this act, until the thirty-first day of December next.

Proviso.

License to continue in force notwithstanding change in partnership.

Twenty-first—When any such license as aforesaid shall be granted to any persons in partnership as bankers, the same shall continue in force for the issuing of promissory notes, under the name, style, or firm therein specified, notwithstanding any alteration in the partnership.

BANK SHARES' TRANSFER.

Banks to make return of shares transferred, &c.

Twenty-second—Some one director, or the manager, secretary, cashier, or accountant of every banking corporation or copartnership shall, within each period by this act limited for rendering the quarterly account hereinbefore required, also make, subscribe, and deliver to the commissioner of stamps a declaration, in writing, before any justice of the peace, of the amount or value of all shares in the capital stock, funds, estate, business, or profits of the bank, which shall have been transferred or assigned, during the quarter then last expired, and that each instrument of transfer or assignment has been duly and fully impressed with the stamp duty which the same is required to bear; and for every neglect or omission in the premises, every director, and the manager, secretary, cashier, and accountant of the defaulting corporation or copartnership, shall forfeit and pay the sum of ten pounds.

FOREIGN BILLS OF EXCHANGE, FOREIGN BILLS OF LADING, ISLAND SECRETARY'S RECEIPTS.

Bills of exchange, &c. to be stamped in sets,

Twenty-third—The commissioner of stamps shall not stamp any foreign bill of exchange, or any bill of lading, unless the same shall be offered to him in a set of three parts, or bills, and every such set shall have the word "first," "second," or "third" written or printed on the face of each respective bill, or part, previous to its being stamped.

and drawn, &c. in sets.

Twenty-fourth—It shall not be lawful to draw, accept, or endorse, or subscribe, or write, negotiate, or make use of any foreign bill of exchange, or foreign bill of lading, except in sets of at least three parts to the set, and stamped respectively as herein provided; and any such bill of exchange, or bill of lading, drawn, accepted, endorsed, subscribed, or written, negotiated, or made use of otherwise than as aforesaid shall not be admissible in evidence in any court, or in any proceeding whatsoever.

Twenty-fifth

Twenty-fifth—The master of any vessel, clearing from this island with goods, wares, or merchandize for exportation, shall not sign any bill of lading, unless presented to him in a set of at least three parts to the set, and unless the same respectively be duly stamped, as required by this act, under a penalty of five pounds for each such offence.

Bills of lading must be signed in sets.

Twenty-sixth—The secretary of this island is hereby required to give a separate receipt for each instrument to be recorded in his office; and he shall not enter or record any instrument without delivering a receipt stamped, as by this act required, under the penalty of thirty pounds for every offence.

Island secretary to give a receipt for each instrument.

Twenty-seventh—The receiver-general shall furnish printed forms of foreign bills of exchange and foreign bills of lading respectively duly stamped, and in sets as aforesaid, to the several collectors of dues and stamp duties, as occasion shall require.

Receiver-general to furnish bills of exchange, &c. in sets.

COMPUTATION OF STAMPS IN CERTAIN CASES.

Twenty-eighth—Instruments or documents hereby subjected to stamp duty shall only operate for one purpose, unless the same shall be stamped in addition for each other object or purpose embraced therein, or affected thereby, according to the rates hereby fixed for such other object or purpose respectively.

Instruments to operate for one purpose only unless further stamped.

Twenty-ninth—The duties respectively imposed by this act may be made up by several stamps of greater value than is hereby required, may be used upon any instrument:

Duties may be made up of several stamps

AS TO THE USE AND CANCELLATION OF ADHESIVE STAMPS.

Thirtieth—Adhesive stamps, not exceeding two shillings in amount, may be used upon any instrument, except foreign bills of exchange, or foreign bills of lading.

How adhesive stamps of 2s. and under may be used.

Thirty-first—So long as any adhesive stamps of five shillings and ten shillings denominations respectively shall remain on hand, the same may be used to any amount on writs from the supreme court, and on such documents in the court of chancery, and court of ordinary, as, when once returned into, and filed in the said several courts respectively, remain in the custody of the registrar, or clerks of the said respective courts: *Provided*, That it shall be the duty of the registrar, and clerk of each of such courts, to cancel the said adhesive stamps by writing his signature, so that as nearly as may be one half thereof shall appear on the writ or document, and the remaining half on the stamp or stamps so cancelled, and he shall also, on each cancelled stamp, mark the day, month, and year

How same stamps of 5s. and 10s. may be used.

and cancelled by registrar in chancery, &c.

Y

of

of such filing and cancellation, under a penalty of two pounds for every omission.

And by other persons.

Thirty-second—Every person who shall use an adhesive stamp, or into whose hands any instrument, bearing an uncanceled adhesive stamp shall come, and every person before whom any affidavit or other instrument bearing an adhesive stamp shall be deposited to, shall, before he delivers any such instrument out of his hand, custody, or power, cancel or obliterate the stamp thereon, by writing his name on the instrument, and across the stamp affixed to the same, so that a part of the name or signature shall be written on the instrument, and the remaining part on the stamp; and the date of the instrument shall also be written on the cancelled stamp; and if any person shall write, or deliver any instrument with any adhesive stamp thereon, without *bonâ fide* in manner aforesaid effectually cancelling or obliterating such stamp, he shall forfeit and pay a sum not less than twenty shillings, nor more than ten pounds, for every offence or omission.

AUTHORITY TO STAMP DOCUMENTS OMITTED TO BE STAMPED PREVIOUSLY TO THIS ACT.

How unstamped instruments may be stamped.

Thirty-third—All instruments which were liable under any former act of this island to stamp duty, and which have not been impressed with any, or the proper stamps required by such previous act, may, at any time hereafter, upon production of an affidavit to the effect hereinafter provided, be impressed with the full amount of stamps required under the provisions of this act for instruments of a similar nature, and may thereafter be used and given in evidence in like manner as if they had been originally duly stamped.

PROHIBITION AGAINST USING UNSTAMPED PAPER.—INADMISSIBILITY OF UNSTAMPED DOCUMENTS.

Certain instruments must be written on paper previously stamped.

Thirty-fourth—Every instrument required to be stamped to an amount exceeding two shillings, except as aforesaid, shall be written on paper, parchment, or vellum, which shall have been first impressed with the stamps prescribed by this act, nor shall any instrument, written, printed, or executed contrary to the provisions of this act, be admissible in evidence.

AS TO THE IMPRESSMENT AND ISSUE OF STAMPS.

How stamps are to be impressed.

Thirty-fifth—All stamps shall be impressed by the commissioner, or, by his direction, in the presence of the receiver-general, or his clerk, as aforesaid.

No instrument to be stamped after preparation.

Thirty-sixth—The commissioner of stamps shall not impress any stamp

stamp on any instrument whatever, after the writing, printing, preparing, or executing the same, except as hereinafter mentioned ; that is to say,

ration or execution,
except as mentioned

Printed forms not filled up or used ; accounts current not signed ; instruments executed, or shewn to the satisfaction of the commissioner to have been prepared out of this island, or lodged in escrow prior to the passing of this act.

Any instrument not stamped, or not fully stamped, which may be stamped according to the provisions of this act, upon payment of the following penalties in the shape of additional stamps on the instrument, viz. :

If brought to be stamped within twelve months after the first signing, or executing of the same, on payment, by way of penalty, of a sum equal to one-half of the duty, or deficiency of duty required ; and if brought at any time after the last-mentioned period, then on payment, by way of penalty, of a sum equal to the whole of such duty, or deficiency of duty, as the case may be : *Provided*, That where the instrument shall be brought to be stamped within three months after the first signing or executing of the same, and it shall appear to the commissioner on oath, or otherwise to his satisfaction, that the instrument was not duly stamped by reason of accident, mistake, inadvertency, or necessity, and without any wilful design or intention to evade the payment of the duty required, it shall be lawful for the commissioner to cause the instrument to be duly stamped, on payment of the whole, or (as the case may be), the deficiency of the stamp duty required, without any penalty : *Provided also*, That the commissioner shall not stamp any inland or foreign bill of exchange, or promissory note after the lapse of fourteen days from the date of execution of such bill or note.

Thirty-seventh—The receiver-general, or his clerk, employed in the stamp department, shall, under the penalty of thirty pounds for every refusal or neglect, grant a receipt (on being paid the duties) for any quantity of stamps required by, and specified in the written requisition of any person, in which requisition and receipt shall be specified the date, the name of the person paying the duties, the number, denomination, and value of the stamps required, and the amount of discount allowed, and of the duties then paid ; and, upon the presentation of such receipt to the commissioner of stamps, he shall, under a penalty of thirty pounds for every refusal or neglect, deliver such amount of adhesive stamps, and impress on all such papers as shall be brought for that purpose,

Receiver-general to
give receipt for stamp
duties.

pose, such amount of stamps as shall be prescribed by this act, and for which duty shall have been paid, and shall forthwith return the same to the owner thereof; and the said commissioner of stamps shall duly enter, into proper books of account, to be kept by him for the purpose, a just and true account of the several stamps delivered and impressed by him as aforesaid.

AS TO THE ISSUE OF STAMPS TO THE GOVERNOR'S SECRETARY.

and furnish the governor's secretary with stamps.

Thirty-eighth—The receiver-general and commissioner of stamps shall, on application in writing by the governor's secretary, supply him with such stamps as may be required for commissions and other documents issuing from his office, and the secretary shall, once in every three months, account to the receiver-general for all stamps so received by him, without any deduction for discount; and no such commission or documents shall be issued except upon duly stamped paper, vellum, or parchment, the stamps whereon shall have been so furnished to the secretary by the receiver-general, and commissioner of stamps.

UNSTAMPED DOCUMENTS VOID, OR INADMISSIBLE IN EVIDENCE.

Unduly stamped instruments inadmissible in evidence.

Thirty-ninth—Any instrument liable to be, and not duly stamped, as directed by this act, shall not be pleaded, or admitted in evidence in any proceeding, or in any court of law or equity.

Instruments void, if consideration money be not truly stated.

Fortieth—If with intent to evade this act, a consideration, or sum of money shall be expressed to be paid in any instrument less than the amount actually paid, or agreed to be paid, every such instrument shall be null and void.

Instruments executed out of island must be stamped.

Forty first—Any instrument made, executed, taken, or acknowledged out of this island, and liable to duty, shall not be received or admitted in any court, or be entered of record in any office within this island, until the same shall have been first duly stamped.

AS TO STAMPING DOCUMENTS AT THE TRIAL.

How unstamped or insufficiently stamped instruments may be received in evidence.

Forty second—Upon the tender in evidence of any instrument, other than inland and foreign bills of exchange, and promissory notes, it shall be the duty of the officer of the court, before reading such instrument, to call the attention of the judge to any omission or insufficiency of the stamp; and the instrument, if unstamped, or insufficiently stamped, shall not be received in evidence until the whole or (as the case may be) the deficiency of the stamp duty, to be determined by the judge, and the penalty required by this act, together with an additional penalty of one pound, shall have been paid.

Forty third

Forty third—Such officer of the court shall, upon payment to him of the duty payable upon such instrument, and of the penalties imposed by this act, give a receipt for the amounts so paid, and thereupon such instrument shall be admissible in evidence, saving all just exceptions on other grounds, and an entry of the fact of such payment, and of the amount thereof, shall be made in a book, kept by such officer; who shall, at the end of each sittings, make a return of, and pay over the monies so received to the receiver-general, distinguishing the amounts respectively paid for duty and penalties, and stating the name of the cause, and of the parties paying the same, and the date, if any, and description of the instrument, for the purpose of identifying the same; and, in case of neglect in either of the respects aforesaid, the offending officer shall be subject to an attachment out of the supreme court, to enforce the payment of such monies, together with the costs of all proceedings, upon application to be made for that purpose to any judge of the court by or on behalf of the receiver-general.

Officer of the court to give receipt for sums received by him on account of such instruments.

Forty-fourth—The commissioner of stamps shall, upon production of the receipt next hereinbefore mentioned, impress on such instrument the proper stamp or stamps in conformity with such receipt.

Such instruments to be impressed with the proper stamp.

Forty-fifth—The stamps and penalties so received in the circuit courts shall be noted under a separate head in the return of forfeited recognizances and fines, and those in the magistrates courts shall be noted in the monthly return of fines under a separate head, and the amounts received shall be paid by the respective officers in the manner and at the respective times directed by any act in force for the payment over of moneys received by them.

How stamps and penalties received in court are to be entered.

PUBLIC OFFICERS, SOLICITORS, AND OTHERS AUTHORIZED TO DEMAND AMOUNT OF STAMP DUTIES, BEYOND OTHER FEES.

Forty-sixth—Every public officer, required to supply any stamp, shall be entitled to demand from the person requiring the same, the amount of such stamp; and every solicitor, attorney, and proctor shall be entitled to demand from his client all such sums of money as he may have expended for stamps on behalf of such client.

Public officer may demand the amount of stamps supplied by him.

Forty-seventh—Every solicitor, attorney, or other person bespeaking a copy of any instrument from any public office, chargeable with a stamp duty, shall, under a penalty of ten pounds for each wilful neglect, take out and pay for such copy, within fourteen days after he shall be informed that such copy is ready for delivery.

Solicitor must take and pay for stamps on instruments ordered by him, under penalty.

PENALTIES

PENALTIES FOR RECORDING, ISSUING, OR PREPARING DOCUMENTS, OR ACCEPTING RECEIPTS NOT DULY STAMPED, AND AGAINST OTHER EVASIONS.

Public officer recording any unduly stamped instrument liable to penalty.

Forty-eighth—Any public officer who shall wilfully or fraudulently enter, or record any instrument chargeable with duty under this act, and which shall not have been duly stamped, shall, for every such offence, forfeit and pay a sum not exceeding fifty pounds; and if he shall issue any office copy, or any copy of any instrument without the stamps imposed by this act, or if he shall commit or connive at any fraud, or practice, whereby the duties to arise by this act shall be lessened, impaired, or lost, he shall, upon conviction, for every offence, forfeit and pay a sum not exceeding fifty pounds; and such officer shall, over and above such penalty, forfeit his office; and if any attorney, solicitor, or proctor shall be guilty of, or of participating in any fraud or practice in any of the respects aforesaid, and be convicted thereof, he shall be disqualified from practising in any of the courts within this island.

Penalty on persons giving receipt, &c. for sums less than actually paid,

Forty-ninth—Every person who, with intent to evade this act, shall give or accept any receipt or acquittance, in which a less sum shall be expressed than the sum actually paid and received, or shall separate or divide the sum actually paid or received, lent, or advanced, into divers receipts, bills of exchange, drafts, or orders, or other instruments or writings, or shall be guilty of, or concerned in, any other contrivance or device with such intent, shall, for every such offence, forfeit the sum of ten pounds.

and attempting to evade this act.

Fiftieth—Every person who shall evade, or attempt to evade this act, by giving, receiving, or negotiating any instrument whatever, charged with a duty under this act on paper, or other substance not impressed with, or not otherwise bearing the proper amount of stamps prescribed by this act, shall, for every such offence, forfeit and pay a sum not exceeding five pounds.

Spoiled stamps may be exchanged.

Fifty-first—The receiver-general and commissioner may exchange for others all stamps on instruments which shall have been inadvertently or undesignedly spoiled, obliterated, or otherwise rendered unfit for use, upon production to them of the entire sheet or piece of paper, or instrument, upon which such stamp is impressed; and of an affidavit taken before a justice of the peace, or the said commissioner, to the effect following:

"I do swear, that the several sheets, or pieces of paper, or instruments hereunto annexed, and hereunder specified, were inadvertently or undesignedly spoiled, and that no consideration has been received for the same by any person, viz: (here set forth a description of the documents.)"

And

And if satisfied that such sheet, or piece of paper, or instrument, has not been executed by the parties thereto, or has not been used for the purpose therein expressed, the receiver-general and commissioner shall exchange such spoiled stamp for a stamp or stamps of equal value, to be impressed upon such paper, or instrument, as the party requiring the same shall produce, free of any charge; but if the receiver general, and commissioner, shall be of opinion that such stamp, so brought to be exchanged, is not really and *bonâ fide* a spoiled stamp, according to the true intent and meaning of this act, they may refuse to exchange the same; and all such spoiled stamps must be tendered to the receiver-general, and commissioner within the period of six months from the time when the same shall have been respectively spoiled, and rendered useless.

Fifty-second—All spoiled stamps shall be destroyed in the stamp office, in the presence of the commissioner and the receiver-general. Must be destroyed.

PENALTIES AGAINST FORGERY AND OTHER FRAUDS.

Fifty-third—If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited any adhesive or other stamp, or any die, or any part of any stamp, or any die, which shall have been provided, made, issued, or used in pursuance of this act, or any former act or acts relating to any stamp duty or duties, or shall forge, counterfeit, or imitate, or cause or procure to be forged, counterfeited, or imitated the impression, or any part of the impression of any such stamp or die as aforesaid, upon any vellum, parchment, or paper, or shall stamp, or mark, or cause or procure to be stamped or marked any vellum, parchment, or paper with any such forged or counterfeited stamp or die, or part of any stamp or die as aforesaid, with intent to defraud the revenue of this island of any of the duties hereby granted, or any part thereof; or if any person shall utter or sell, or expose to sale, any vellum, parchment, or paper, having thereupon the impression of any such forged or counterfeited stamp or die, or part of any stamp or die, or any such forged, counterfeited, or imitated impression, or part of impression as aforesaid, knowing the same respectively to be forged, counterfeited, or imitated, or if any person shall surreptitiously or privately and secretly use any stamp or die, which shall have been so provided, made, or used as aforesaid, or shall, by any false pretence, or crafty or subtle deceit, device, or means, obtain, or procure to be impressed upon, or affixed to any vellum, parchment, or paper any such stamp or die as aforesaid, or any part of such stamp or die, or the resemblance of any such stamp or die, or any part thereof, with intent to defraud the revenue of this island of any of the said duties, or any part thereof; or if any person shall fraudulently take, cut, or tear off, or cause or procure to

Penalty on persons
counterfeiting stamps.

to be taken, cut, or torn off, the impression of any stamp or die, which shall have been provided, made, issued, or used in pursuance of this or any former act for expressing or denoting any duty or duties, or any part of such duty or duties, from any vellum, parchment, or paper whatsoever, with intent to use the same for, or upon any other vellum, parchment, or paper, or any instrument charged or chargeable with any of the duties hereby granted, then and in every such case, every person, so offending, and every person knowingly and wilfully aiding, abetting, or assisting any person or persons in committing any such offence as aforesaid, and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer such punishment by imprisonment for such term of years as the court, before which he shall be tried and convicted, shall, in their discretion, direct.

How suits for taking or detaining, &c. stamps may be instituted.

Fifty-fourth—In any suit, prosecution, or proceeding, to be brought against any person for the taking or retaining, or for the losing, damaging, or destroying of any adhesive stamp, or of any vellum, parchment, or paper upon which any stamp or stamped mark, denoting any duty imposed by law hath been impressed or put, or for any other cause of action, or proceeding relating to the same respectively, such suit, prosecution, or proceeding shall and may be commenced, instituted, and proceeded with, in the name of her majesty, her heirs and successors, or in the name of the attorney-general of this island, for the time being, for and on behalf of her said majesty, her heirs and successors; and, in all such suits, prosecutions, or proceedings, the property in all such adhesive stamps, or on such vellum, parchment, or paper, so stamped, marked, and impressed as aforesaid, shall be described to be, and shall be deemed and taken to be, in her majesty, her heirs and successors; and the value of the same respectively shall be deemed and taken to be the amount of the value denoted by such adhesive stamps, and of the vellum, parchment, and paper, and of the stamp duty denoted by such stamp, so impressed and put upon the same respectively; and further, in any prosecution against any person for embezzling or stealing such adhesive stamps, vellum, parchment, or paper, so stamped, marked, and impressed as aforesaid, or for any other offence for or relating to the same respectively, it shall be sufficient, in the indictment or information, to state and describe the property in the same to be in her majesty, her heirs and successors.

Penalty on persons taking off stamps that had been used, &c.

Fifty-fifth—If any person shall fraudulently get off, or remove, or cause or procure to be gotten off, or removed from any instrument whatsoever any adhesive stamp, which had been affixed thereto, and used, or if any person shall affix or use any such stamp, or knowingly receive such stamp, which shall have been so gotten off or removed from

from any instrument as aforesaid, he shall forfeit and pay a sum not exceeding ten pounds.

Fifty-sixth—If any person shall do, or practice, or be concerned in any fraudulent act, contrivance, or device whatever, not specially provided for by this act, with intent to defraud her majesty, her heirs and successors, or the government, or public of this island, of any duty by this act imposed, he shall forfeit, for every offence, a sum not exceeding twenty pounds.

and practising any fraudulent act not specially provided for.

RECOVERY AND APPROPRIATION OF PENALTIES.

Fifty-seventh—All penalties imposed by this act, exceeding fifty pounds, shall be recovered in the supreme court of judicature of this island by action of debt, bill, plaint, or information, with full costs; and all penalties, not exceeding fifty pounds, shall be recovered in a summary manner before any two justices of the peace of the parish or precinct where the offence shall be committed, with such costs as such justices shall think fit; and such last-mentioned penalties and costs shall, unless forthwith paid, be levied by distress and sale of the offender's goods and chattels; or, in default, the offender shall be committed by such justices to the nearest prison for a space not exceeding three months.

Penalties, how recoverable,

Fifty-eighth—All penalties recovered under this act shall be applied, one moiety for and towards the support of the government of this island, and the other moiety to the person who shall have sued or prosecuted for the same.

and to be applied:

Fifty-ninth—Every prosecution under this act shall be commenced within six months next after the commission of the offence.

When prosecutions shall commence.

POWER TO REFUND ERRONEOUS PAYMENTS, AND RECTIFY MISTAKES.

Sixtieth—It shall be lawful for the executive committee, whenever they shall be satisfied that any mistake has been made in the imposition of duties, to direct the restoration of any overpaid duties, or otherwise to rectify any mistake.

Executive committee may return duties.

REPEAL OF ACTS—BUT OFFENCES PUNISHABLE, &c.

Sixty-first—Upon the passing of this act, the acts of the eighteenth Victoria, chapters twenty-seven and twenty-eight; twentieth Victoria, chapter twenty-three; twenty-first Victoria, chapter thirty-eight; twenty-second Victoria, chapter thirty; and twenty-fourth Victoria, chapter fourteen, are, and each of them is hereby repealed; but notwithstanding such repeal, all or any offences or matters committed or done against any provision of either of such

Certain acts repealed.

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acts

acts, during the continuance thereof respectively, shall be dealt with and punished; and all penalties or forfeitures imposed or incurred under either of the said acts shall be recovered; and all bonds, recognizances, liabilities, and duties, powers, directions, and authorities under either of the said acts respectively, shall continue and be in full force, obligation, and effect; and all or any proceedings taken or commenced under the same, or either of them, shall continue and be in full force and effect, as if the said acts respectively had not expired, or been repealed; and any complaint, or proceeding thereunder, not made or commenced previously to the expiry or repeal thereof respectively, shall be made or commenced within six calendar months after the commencement of this act.

COMMENCEMENT AND DURATION OF ACT.

Commencement and duration of act.

Sixty second—This act shall, immediately after its passing, come into operation, and continue in force until the thirty-first day of March, one thousand eight hundred and sixty-five; and, notwithstanding its expiry, or repeal, any offence committed against any of its provisions, and any penalty or liability incurred under this act, may be prosecuted and punished, proceeded for, recovered, or enforced as might have been done during its continuance.

INTERPRETATION.

Interpretation of certain words.

Sixty-third—The word “instrument,” as used in this act, and the schedule thereto, shall include every deed, writing, printed form, document, paper, matter, or thing whatever by this act, or by the schedule thereto respectively charged with, or made liable to, any stamp duty.

SCHEDULE TO WHICH THIS ACT REFERS.

PART THE FIRST.

AGREEMENT.

[£. s. d.]

On every agreement, or any minute or memorandum of an agreement under hand only (and not otherwise charged in this schedule, nor expressly exempted from all stamp duty), where the matter thereof shall be of the value of £20, or upwards, whether the same shall be only evidence of a contract, or obligatory upon the parties, from its being a written instrument

0 4 0
But

£. s. d.

But where divers letters shall be offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be stamped with a duty of four shillings, and which letter may be stamped at any time before it is given in evidence.

EXEMPTIONS FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

Memorandum, or agreement for the hire of any laborer, artificer, tradesman, manufacturer, or menial servant.

Memorandum, letter, or agreement made for, or relating to, any goods, wares, and merchandize.

But any memorandum, or agreement, intended as preparatory to a more formal instrument, and so stated on the face of it, may be stamped with the duty hereby imposed, if made within this island at any time within ninety days after the date thereof, and, if made out of the island, within six months thereafter.

ANNUITY, RE-PURCHASE OF.

Any release or assignment of an annuity, or rent charge, made subject in, and by the original grant thereof to be redeemed or re-purchased, shall, on the re-purchase thereof, be exempted from the duty hereby imposed on a conveyance or transfer of land, and shall be charged only with the duty hereby imposed upon a deed not otherwise charged.

APPOINTMENTS.

On every original appointment of island or stipendiary curate	6	13	3
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On every appointment, by her majesty's letters patent, to any public office of this island	...	...	40	0	0
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On every appointment in execution of a power of land, or other property, real or personal, or of any use or interest therein, where made by any writing, not being a deed or will	...	...	...	0	13	3
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On every appointment to an office of emolument, payable by the public, a sum equal to two *per cent.* upon the salary (for one year), affixed to such office, in addition to any other stamp.

EXEMPTIONS FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

All appointments to any public office, where the party is to officiate for another during his absence from the island, such absence being by leave of the governor.

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ARTICLES

£. s. d. -

ARTICLES OF CLERKSHIP.

On every article of clerkship or contract, whereby any person shall first become bound to serve as a clerk, in order to his admission as a solicitor, attorney, and proctor in the courts of this island ... 26 13 3

On every article of clerkship or contract, whereby any person shall become bound to serve as a clerk, in order to any such admission as aforesaid, for the residue of the term for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated by consent, or by rule of court, or in any other event ... 0 13 3

AWARD.

On every award ... 0 8 0

BILLS OF EXCHANGE (INLAND.)

Draft, or order, or acceptance for the payment to the bearer, or to order, at any time otherwise than on demand, of any sum of money amounting to ten pounds, and under thirty pounds ... 0 0 3

Amounting to thirty pounds, and under fifty pounds ... 0 0 9

Amounting to fifty pounds, and under one hundred pounds ... 0 1 3

Amounting to one hundred pounds, and under two hundred pounds ... 0 2 0

Amounting to two hundred pounds, and under three hundred pounds ... 0 3 3

Amounting to three hundred pounds, and under four hundred pounds ... 0 4 0

Amounting to four hundred pounds, and under five hundred pounds ... 0 5 3

Amounting to five hundred pounds, and under one thousand pounds ... 0 6 9

Amounting to one thousand pounds, and under two thousand pounds ... 0 13 3

Amounting to two thousand pounds, and under three thousand pounds ... 1 6 9

And where it shall amount to, or exceed three thousand pounds ... 2 0 0

Inland

Inland bill, draft, or order for the payment of any sum of money weekly, monthly, or at any other stated period, if made payable to the bearer, or to order, or if delivered to the payee, or some person on his or her behalf, when the total amount of the money thereby made payable shall be specified therein, or can be ascertained therefrom

£. s. d.
The same duty as on a bill payable to bearer, or order, at any time otherwise than on demand, for a sum equal to such total amount.

EXEMPTIONS FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

All drafts, or orders, drawn on the receiver-general of this island, but such drafts, or orders shall, notwithstanding, be liable, at the time of payment, to the duty imposed by this act on receipts.

BILLS OF EXCHANGE (FOREIGN.)

Drawn in sets, according to the custom of merchants, for every part or bill of each set, where the sum made payable thereby shall be for ten pounds, and under fifty pounds	0	0	3
Fifty pounds, and under one hundred pounds ..	0	0	9
One hundred pounds, and under two hundred pounds	0	1	3
Two hundred pounds, and under five hundred pounds	0	2	0
Five hundred pounds, and under one thousand pounds	0	4	0
One thousand pounds, and under two thousand pounds	0	8	0
Two thousand pounds, and under three thousand pounds	0	13	3
And where it shall amount to, or exceed three thousand pounds ...	1	6	9

But all foreign bills of exchange shall be stamped at and after the rates hereinbefore mentioned, notwithstanding that the sums for which such bills shall be drawn shall be expressed in dollars, francs, or any other description of money of account.

BILLS OF LADING.

Drawn in sets of three for goods, wares, or merchandize, to be exported from this island, on each part or bill	0	0	9
On each receipt for goods, wares, or merchandize, carried coastwise ...	0	0	3

BONDS.

Bond given as a security for the payment of any definite and certain

	£.	s.	d.
certain sum of money, amounting to thirty pounds and under fifty pounds 	0	2	0
Fifty pounds, and under one hundred pounds	0	3	3
One hundred pounds, and under two hundred pounds	0	6	9
Two hundred pounds, and under three hundred pounds	0	10	0
Three hundred pounds, and under five hundred pounds	0	13	3
Five hundred pounds, and under one thousand pounds	0	16	9
One thousand pounds, and under two thousand pounds	1	0	0
Two thousand pounds, and under three thousand pounds	1	3	3
Three thousand pounds, and under four thousand pounds	1	6	9
Four thousand pounds, and under five thousand pounds	1	13	3
And for all sums amounting to, or exceeding five thousand pounds 	2	0	0

BOND.

When the money secured, or to be ultimately recoverable thereon, shall be limited, not to exceed a given sum, the same duty as on a bond for such limited sum.

And when the total amount of the money secured, or to be ultimately recoverable thereon, shall be uncertain, and without any limit, the same duty as on a bond for a sum equal to the amount of the penalty of such bond.

And where there shall be no penalty of the bond in such last-mentioned case, such bond shall be available for such an amount only as the *ad valorem* duty denoted by any stamp or stamps thereon shall extend to cover.

Bond given as a security for the payment of any sum of money which shall be in part secured by a mortgage, or other instrument, or writing, hereinafter charged with the same duty as a mortgage bearing even date with such bond, or for the performance of covenants contained in such mortgage, or other instrument, in writing, or for both those purposes

0 13 6

Bond given as a collateral or auxiliary security for the payment of any annuity, upon the original creation and sale thereof, where the same shall be granted, or conveyed, or secured by any other deed, or instrument, liable to, and charged with, the *ad valorem* duty hereinafter imposed on conveyances, upon the sale of any property

0 13 6
Bond

£. s. d.

Bond given as a security for the payment of any annuity (except upon the original creation and sale thereof), or of any sum or sums of money, at stated periods (not being interest for any principal sum, nor rent reserved, or payable upon any lease) for any definite and certain term, so that the total amount of the money to be paid can be previously ascertained, the same duty as on a bond of the like nature for the payment of a sum of money equal to such total amount.

Bond given as a security for the payment of any annuity (except as aforesaid), or of any sum or sums of money at stated periods (not being interest for any principal sum, nor rent reserved, or payable upon any lease) for the term of life, or any other indefinite period, so that the whole money to be paid cannot be previously ascertained.

Where the annuity, or sum secured, shall not amount to ten pounds *per annum* ... 0 4 0

And where the same shall amount to ten pounds, and shall not amount to fifty pounds *per annum* ... 0 8 0

And where the same shall amount to fifty pounds, and under one hundred pounds *per annum* ... 0 12 0

And where the same shall amount to one hundred pounds, and under two hundred pounds *per annum* ... 0 16 0

And where the same shall amount to two hundred pounds, and under three hundred pounds *per annum* ... 1 0 0

And where the same shall amount to three hundred pounds, and under four hundred pounds *per annum* ... 1 6 6

And where the same shall amount to four hundred pounds, and under five hundred pounds *per annum* ... 1 13 6

And where the same shall amount to five hundred pounds, and under seven hundred and fifty pounds *per annum* ... 2 0 0

And where the same shall amount to seven hundred and fifty pounds, and under one thousand pounds *per annum* ... 2 6 6

And where the same shall amount to one thousand pounds *per annum*, or upwards ... 2 13 6

Bond, commonly called counter bond, for indemnifying any person who shall have become bound or engaged as surety for the payment of any sum of money, or annuity ... 0 13 6

Bond for the due execution of an office, and to account for money received by virtue thereof ... 0 13 6
Bond

£. s. d.

Bond of any kind whatever, not otherwise charged in this
schedule, nor expressly exempted from all stamp duty 0 13 6

BOND.

Any transfer or assignment of any such bond as aforesaid,
and which shall have paid the proper *ad valorem* duty on
bonds.

Where the principal money, secured by the bond, shall not
exceed five hundred pounds, the same duty as on a bond
for the total amount of such principal money.

And in every other case such transfer, or assignment, shall
be chargeable with the duty of ... 0 13 6

EXEMPTIONS FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

All security, or penal bonds to her majesty, her heirs and
successors.

Bonds given by collectors of dues and stamps, collectors of
rum duties, and their sureties, for the due payment of
money collected by them, or otherwise relating to their
offices.

Bail bonds, and replevin bonds.

CERTIFICATES.

On every certificate of the admission of a barrister to prac-
tice in the courts of this island ... 13 6 6

On every certificate of the admission of a solicitor, attorney,
conveyancer, or proctor, to practice in the courts of this
island, where the person had entered into articles of clerk-
ship, or contract dated after the passing of the stamp
duty act, one thousand eight hundred and fifty-five, or of
this act, and duly stamped according to the provisions of
such act, or of this act ... 80 0 0

And on every other certificate of the admission of a solici-
tor, attorney, conveyancer, or proctor, to practice in the
courts of this island ... 106 13 6

But no one person is to be obliged to take out more than
one certificate, although he may act in more than one of
the capacities aforesaid, or in several of the courts afore-
said.

CHARTER PARTY.

On every charter party ... 1 6 6

CIRCULAR

£. s. d.

CIRCULAR NOTES—BANKERS' OR OTHER.

The like amount, and progressive rates of *ad valorem* duties shall be paid thereon respectively, as are by this act or schedule charged on foreign bills of exchange of corresponding amount

COMMISSIONS.

On every grant, letters patent, or commission of chief justice, and vice-chancellor, so long as the same offices shall be held conjointly	...	133	6	6
On every grant, letters patent, or commission of chief justice, if the office be held separately	...	100	0	0
On every grant, letters patent, or commission of vice-chancellor, if the office be held separately		75	0	0
On every grant, letters patent, or commission of assistant judge of the supreme court	...	95	0	0
On every commission of custos rotulorum for any precinct or parish within this island		13	6	6
On every commission or writ of association for magistrates, and each nomination therein		2	0	0
On every commission of master in ordinary in the court of chancery		26	13	6
On every commission of master extraordinary in the court of chancery		0	13	6
On every commission or appointment of attorney-general		26	13	6
On every commission or appointment of advocate-general		13	6	6
On every commission of general officer of the militia of this island		26	13	6
On every commission of field officer in a regiment of militia		4	0	0
On every commission or appointment conferring the rank of field officer, otherwise than herein set forth		40	0	0
On every commission of captain of a troop, or company in any regiment		3	6	6
On every commission or appointment conferring the rank of captain, otherwise than above set forth	...	133	6	6

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On

	£.	s.	d.
On every commission of lieutenant or cornet of a troop, or lieutenant or ensign of a company of any regiment of militia	1	13	6
On every commission or appointment conferring the rank of subaltern, otherwise than above set forth	66	13	6
On every commission of adjutant or quarter-master in the militia	1	13	6
On every commission or appointment of surgeon in the militia	4	0	0
On every commission of assistant surgeon in the militia	1	13	6
On every commission of lieutenant of a fort on the island establishment	16	0	0
On every commission of staff or brevet officer, not herein specified, conferring rank above that of captain	80	0	0
On every commission of physician-general, surgeon-general, or apothecary-general of the militia, and their respective deputies	80	0	0
On every commission of adjutant-general in the militia	26	13	6
On every commission of quarter-master-general	80	0	0
On every commission of muster-master-general	80	0	0
On every commission of barrack-master-general of militia	80	0	0
On every commission of deputy to any of the four last mentioned officers	80	0	0
On every commission of aide-de-camp to the commander-in-chief	40	0	0
On every commission or warrant of aide-de-camp and major of brigade to a general officer	16	0	0
On every commission of judge advocate-general	40	0	0
On every commission of deputy judge advocate-general	80	0	0
On every commission of deputy judge advocate to a regiment of infantry, or troop of horse	4	0	0
On every commission in the militia, not herein specified	80	0	0
On every commission, grant, warrant, or appointment from the governor of any office or employment of the annual value of £100, not otherwise charged in this schedule, nor expressly exempted from all stamp duty	2	0	0
	And		

	£.	s.	d.
And when the same shall exceed one hundred pounds, for every additional one hundred pounds ...	4	0	0

EXEMPTIONS FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

All commissions, when the party is to officiate for another, during his absence from the island, such absence being by leave of the governor.

CONVEYANCES.

Conveyance, whether grant, bargain and sale, assignment, transfer, release, or any other kind or description whatever, or order or decree of the high court of chancery of England, or this island, or other competent jurisdiction or authority, operating as a conveyance upon the sale of any land, tenements, rents, annuities, or other property, real or personal, or of any right, title, interest, or claim in, to, out of, or upon any lands, tenements, rents, annuities, or other property; that is to say, for or in respect of the principal, or only deed, instrument, order, decree, or writing, whereby the lands, or other things sold, shall be granted, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction.

Where the purchase or consideration-money therein, or thereupon expressed, shall not exceed ten pounds	0	6	6
And where the same shall exceed ten pounds, and not exceed twenty pounds ...	0	13	6
And where the same shall exceed twenty pounds, and not exceed fifty pounds ...	1	6	6
And where the same shall exceed fifty pounds, and not exceed one hundred pounds ...	2	0	0 ✓
And where the same shall exceed one hundred pounds, and not exceed two hundred pounds ...	2	13	6
And where the same shall exceed two hundred pounds, and not exceed three hundred pounds ...	3	6	6
And where the same shall exceed three hundred pounds, and not exceed four hundred pounds ...	4	0	0
And where the same shall exceed four hundred pounds, and not exceed five hundred pounds ...	4	13	6
And where the same shall exceed five hundred pounds, and not exceed six hundred pounds ...	5	6	6

A & 2

And

	£.	s.	d.
And where the same shall exceed six hundred pounds, and not exceed seven hundred pounds ...	6	0	0
And where the same shall exceed seven hundred pounds, and not exceed eight hundred pounds ...	6	13	6
And where the same shall exceed eight hundred pounds, and not exceed nine hundred pounds ...	7	6	6
And where the same shall exceed nine hundred pounds, and not exceed one thousand pounds ...	8	0	0
And where the same shall exceed one thousand pounds, and not exceed one thousand five hundred pounds ...	10	6	6
And where the same shall exceed one thousand five hundred pounds, and not exceed two thousand pounds ...	13	6	6
And where the same shall exceed two thousand pounds, and not exceed two thousand five hundred pounds	16	13	6
And where the same shall exceed two thousand five hundred pounds, and not exceed three thousand pounds	20	0	0
And where the same shall exceed three thousand pounds, and not exceed three thousand five hundred pounds	23	6	6
And where the same shall exceed three thousand five hundred pounds, and not exceed four thousand pounds	26	13	6
And where the same shall exceed four thousand pounds, and not exceed four thousand five hundred pounds	30	0	0
And where the same shall exceed four thousand five hundred pounds, and not exceed five thousand pounds	33	6	6
And where the same shall exceed five thousand pounds, and not exceed five thousand five hundred pounds	36	13	6
And where the same shall exceed five thousand five hundred pounds, and not exceed six thousand pounds	40	0	0
And where the same shall exceed six thousand pounds, and not exceed six thousand five hundred pounds ...	43	6	6
And where the same shall exceed six thousand five hundred pounds, and not exceed seven thousand pounds	46	13	6
And where the same shall exceed seven thousand pounds, and not exceed seven thousand five hundred pounds	50	0	0
And where the same shall exceed seven thousand five hundred pounds, and not exceed eight thousand pounds	53	6	6
And			

	£.	s.	d.
And where the same shall exceed eight thousand pounds, and not exceed eight thousand five hundred pounds	56	13	6
And where the same shall exceed eight thousand five hundred pounds, and not exceed nine thousand pounds	60	0	0
And where the same shall exceed nine thousand pounds, and not exceed ten thousand pounds	63	6	6
And for every additional one hundred pounds, and also for any fractional part of one hundred pounds	0	13	6

Note.—The purchase, or consideration money, is to be truly expressed and set forth in words at length, in or upon every such principal, or only deed, order, decree, or instrument of conveyance.

And where any lands, or other property, held under different titles, contracted to be sold at one entire price for the whole, shall be conveyed to the purchaser in separate parts or parcels by different deeds, orders, decrees, or instruments, the purchase, or consideration money, shall be divided and apportioned in such manner as the parties shall think fit, so that a distinct price or consideration for each separate part or parcel may be set forth in or upon the principal or only deed, order, decree, or instrument of conveyance relating thereto, which shall be charged with the said *ad valorem* duty in respect of the price or consideration money therein set forth.

And where any lands, or other property, contracted to be purchased by two or more persons jointly, or by any person for himself and others, or wholly for others, at one entire price for the whole, shall be conveyed in parts or parcels by separate deeds, orders, decrees, or instruments to the persons for whom the same shall be purchased for distinct parts or shares of the purchase money, the principal or only deed, order, decree, or instrument of conveyance of each separate part or parcel shall be charged with the said *ad valorem* duty, in respect of the sum of money therein specified as the consideration for the same.

But if separate parts or parcels of such land, or other property, shall be conveyed to, or to the use of, or in trust for, different persons, in and by one and the same deed, order, decree, or instrument, then such deed, order, decree, or instrument shall be charged with the said *ad valorem* duty, in respect of the aggregate amount of the purchase or consideration moneys therein mentioned to be paid, or agreed to be paid for the lands or property thereby conveyed.

And where any person, having contracted for the purchase

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of any lands or other property, but not having obtained a conveyance thereof, shall contract to sell to any other person, and the same shall, in consequence, be conveyed immediately to the sub-purchaser, the principal or only deed, order, decree, or instrument of conveyance shall be charged with the said *ad valorem* duty, in respect of the purchase or consideration money therein mentioned to be paid, or agreed to be paid by the sub-purchaser.

And where any person, having contracted for the purchase of any lands, or other property, but not having obtained a conveyance thereof, shall contract to sell the whole, or any part or parts thereof, to any other person or persons, and the same shall, in consequence, be conveyed by the original seller to different persons in parts or parcels, the principal or only deed, order, decree, or instrument of conveyance of each part or parcel thereof, shall be charged with the said *ad valorem* duty, in respect only of the purchase or consideration money, which shall be therein mentioned to be paid, or agreed to be paid for the same by the person or persons to whom, or to whose use, or in trust for whom the conveyance shall be made, without regard to the amount of the original purchase-money.

But where any sub-purchaser shall take an actual conveyance of the interest of the person immediately selling to him, which shall be chargeable with the said *ad valorem* duty, in respect of the purchase or consideration money paid, or agreed to be paid by him, and shall be duly stamped accordingly, any deed, order, decree, or instrument of conveyance to be afterwards made to him of the property in question, by the original seller, shall be exempted from the said *ad valorem* duty, and be charged only with the ordinary duty on deeds, orders, decrees, or instruments of the same kind, not upon a sale.

And where any lands, or other property, separately contracted to be purchased of different persons, at separate and distinct prices, shall be conveyed to the purchaser, or as he shall direct, in and by one and the same deed, order, decree, or instrument, such deed, order, decree, or instrument shall be charged with the said *ad valorem* duty in respect of the aggregate amount of the purchase or consideration-moneys therein mentioned to be paid, or agreed to be paid for the same.

And where any lands or other property shall be sold and conveyed in consideration wholly, or in part of any sum of money charged thereon, by way of mortgage, or otherwise, and then due and owing to the purchaser, or shall be sold and conveyed, subject to any mortgage, bond, or other debt, or to any gross or entire sum of money to be afterwards paid by the purchaser, such

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sum of money, or debt, shall be deemed the purchase or consideration-money, or part of the purchase or consideration-money, as the case may be, in respect whereof the said *ad valorem* duty is to be paid : *Provided*, where the mortgagee, or other person in the situation of mortgagee, shall become the purchaser of the equity of redemption, the duty shall be charged upon the true and real value of the property, as if the same stood unmortgaged, such value to be calculated and ascertained as is hereinafter directed in this schedule, under the head of settlement.

And where, upon the sale of any annuity or other right, not before in existence, the same shall not be created by actual grant or conveyance, but shall only be secured by bond, warrant of attorney, covenant, contract, or otherwise, the bond, or other instrument by which the same shall be secured, or some one of such instruments, if there be more than one, shall be deemed and taken to be liable to the same duty as an actual grant or conveyance.

And where there shall be several deeds, orders, decrees, instruments, or writings for completing the title to the property sold, such of them as are not liable to the *ad valorem* duty, to which the same may be liable, and which shall, upon the face thereof, refer to the principal deed, order, decree, or instrument, bearing the *ad valorem* stamps, shall be charged with the duty to which the same may be liable, under any general or particular description of such deeds, orders, decrees, instruments, or writings, contained in this schedule : *Provided*, That when any deed, order, decree, instrument, or writing, not liable to such *ad valorem* stamp, shall be tendered to the secretary of this island for the purpose of being recorded, the principal deed, order, decree, or instrument, bearing the said *ad valorem* stamp, shall also be produced, and the fact of such production, and the amount of such *ad valorem* stamp, shall be certified by the secretary on such other deed, order, decree, or instrument, and such certificate shall be deemed sufficient evidence of the said *ad valorem* duty having been impressed on the principal deed, order, decree, or instrument, without its being necessary to produce the same in evidence.

And where, in any case not hereby expressly provided for, of several deeds, orders, decrees, instruments, or writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed, and to pay the said *ad valorem* duty thereon accordingly ; and the other deeds, orders, decrees, instruments, or writings, on which the doubt shall have arisen, shall, upon the face of each of them, refer to the principal deed as bearing the *ad valorem* duty.

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And where there shall be duplicates of any deed, order, decree, or instrument, chargeable with the said *ad valorem* duty, exceeding two pounds, one of them only shall be charged therewith, and the other or others shall be charged with the ordinary duty on deeds, orders, decrees, or instruments of the same kind, not upon a sale.

And where any deed, order, decree, or instrument, operating as a conveyance on the sale of any property, shall operate also as a conveyance of any other than the property sold by way of settlement, or for any other purpose, or shall also contain any other matter or thing besides what shall be incident to the sale and conveyance of the property sold, or relate to the title thereto, every such deed, order, decree, or instrument, shall be charged, in addition to the duty to which it shall be liable, as a conveyance on the sale of property, with such further stamp duty, as any separate deed, order, or decree, containing the other matter, would have been chargeable with.

**EXEMPTION FROM ANY STAMP DUTY UNDER THE PRECEDING HEAD
"CONVEYANCE."**

Any deed, order, decree, or instrument, whereby any policy of assurance on the life of any person, or for the insurance of any property, shall be assigned or transferred by the insurer to any person, the original policy having been duly stamped, as by this act is required.

EXEMPTION FROM ALL STAMP DUTIES WHATEVER.

Conveyance of land as a site for any church or chapel of any religious denomination.

COPARTNERSHIP.

On all articles of copartnership, or other agreement to that effect ...

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DEEDS.

On every deed, order, decree, or other instrument executed wholly out of this island, and not bearing the British *ad valorem* stamp, the same duty as is hereby imposed on deeds or instruments of a like nature executed in this island.

On every deed, order, decree, or instrument, executed partly out of this island and partly in this island, and on which the British *ad valorem* duty shall have been impressed, one half the duty imposed on deeds or instruments of a like nature, executed wholly in this island.

And on every deed, order, decree, or instrument, wholly executed out of this island, and bearing the British *ad va-*

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lorem stamp, the like *ad valorem* duty as on deeds executed in this island, or, in the option of the parties, a duty of 3 6 6

Duplicate or counterpart of any deed, order, decree, or instrument whatsoever, chargeable with any stamp duty or duties under this schedule, where the stamp duty or duties chargeable as aforesaid shall not amount to the sum of thirteen shillings and six pence, the same duty or duties as shall be chargeable upon the original deed, order, decree, or instrument.

And when the stamp duty or duties shall amount to the sum of thirteen shillings and six pence, or upwards 0 13 6

On every deed of any kind whatever, not otherwise charged in this schedule, nor expressly exempted from all stamp duty ... 0 13 6

ESCHEATS.

On every patent of escheat, if by the judgment in escheat the premises shall appear to be of or under the value of two hundred pounds ... 6 13 6

And if the same shall exceed two hundred pounds, then for every additional one hundred pounds, and also for any fractional part of one hundred pounds ... 3 6 6

On every letter of preference for escheat ... 1 6 6

KETUBAH.

On every Ketubah, or Jewish contract of marriage, the same stamps as on "settlements."

LEASE.

Lease of any lands or hereditaments granted in consideration of a sum of money, by way of fine, premium, or other gross sum paid for the same, without any yearly rent, or with any yearly rent under twenty pounds

The same duty as for the conveyance, on the sale of lands, for a sum of money of the same amount.

Lease of any lands or hereditaments at a yearly rent, without any sum of money, by way of fine, premium, or other gross sum paid for the same.

Where the yearly rent shall not amount to one hundred pounds ... 0 13 6

And where the same shall amount to one hundred pounds, and not amount to two hundred pounds ... 1 0 0

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And where the same shall amount to two hundred pounds, and not amount to three hundred pounds ...	1	6	6
And where the same shall amount to three hundred pounds, and not amount to five hundred pounds ...	2	0	0
And where the same shall amount to five hundred pounds, and not amount to one thousand pounds ...	2	13	6
And where the same shall amount to one thousand pounds, or upwards ...	4	0	0
And where such rent shall progressively increase, then the amount of duty payable upon the highest rent reserved.			
Lease of any lands or hereditaments granted in consideration of a sum of money by way of fine, premium, or other gross sum, and also of a yearly rent amounting to twenty pounds, or upwards	Both the ad valorem duties payable for a lease in consideration of a fine only, and for a lease according to the amount of rent reserved thereon.		
Lease not otherwise charged in this schedule, and for the counterpart or duplicate of any lease whatsoever	0	13	6
And where any lease shall be granted for a consideration, by way of fine, premium, or other gross sum, payable in produce, or the yearly rent shall be so payable, then and in such case such produce shall be estimated for the purpose of reducing the same to a pecuniary value at and after the rates following:			
For each hogshead of sugar ...	12	0	0
For each puncheon of rum ...	10	0	0
For each tierce of coffee ...	12	0	0
And the duty shall be charged on the amount arising on such estimate, as if the fine, premium, or other gross sum, or yearly rent, had been expressed in money.			

EXEMPTION FROM ANY STAMP DUTY UNDER THE PRECEDING HEAD
"LEASE."

Leases of waste or uncultivated land to any person, for any term not exceeding three lives, or ninety-nine years, where the fine shall not exceed five shillings, nor the reserved rent one pound one shilling *per annum*, and the counterparts or duplicates of all such leases.

LEGACIES.

On every receipt, or other discharge for any legacy given by any will, or testamentary instrument, or for the clear residue (when devolving to one person), and for every share

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of the clear residue (when devolving to two or more persons) of the personal estate of any person (after deducting debts, funeral expenses, legacies, and other charges first payable thereout), whether the title to such residue, or any share thereof, shall accrue by virtue of any testamentary disposition, or upon a partial or total intestacy.

Where such legacy, residue, or share of residue shall amount to fifty pounds, and be under one hundred pounds 2 13 6

To one hundred pounds, and be under two hundred pounds 4 0 0

To two hundred pounds, and be under three hundred pounds 5 6 6

To three hundred pounds, and be under four hundred pounds 8 0 0

To four hundred pounds, and be under five hundred pounds 10 13 6

To five hundred pounds, and be under six hundred pounds 13 6 6

To six hundred pounds, and be under seven hundred pounds 16 0 0

To seven hundred pounds, and be under eight hundred pounds 18 13 6

To eight hundred pounds, and be under nine hundred pounds 21 6 6

To nine hundred pounds, and be under one thousand pounds 24 0 0

And for every additional one hundred pounds, or fractional part thereof the further sum of ... 2 13 6

And the person or persons receiving any such legacy, residue, or share of residue, is and are hereby declared to be charged and chargeable with the payment of the stamp duties hereby imposed, and not the heir, executor, or administrator of the deceased, unless when otherwise directed by the will.

**EXEMPTIONS FROM ANY STAMP DUTY UNDER THE PRECEDING HEAD
"LEGACIES."**

Legacies and residues, or shares of residue of any such estate or effects as aforesaid, given, or devolving to, or for the benefit of, the husband or wife, children or grand children of the deceased.

LETTERS:

On every letter of marque ... 26 13 6

On every letter, or power of attorney, and every decree or order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, open-

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rating as a power for the recovery of debts in this island, or for the sale of property ...	1	6	6
On every letter, or power of attorney, and every decree or order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, ope- rating as a power for managing any pen, plantation, or sugar estate or estates, and whether the same shall or shall not include a power for the recovery of debts, or other pur- poses ...	4	0	0
On every letter, or power of attorney, and every decree or order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, ope- rating as a power for managing premises mentioned in any such power, which consist of only a place of residence, habitation, or woodlands not opened, or common pasture, and whether the same shall or shall not include a power for the sale of such property, or for the recovery of debts	1	6	6
On every letter, or power of attorney, and every decree or order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, ope- rating as a power authorizing a party to acknowledge pay- ment, and satisfaction of a mortgage demand	0	4	0
On every other letter, or power of attorney, or decree, or order as aforesaid, not herein charged with a stamp duty, or exempted from all stamp duty, and upon every substi- tution under a letter, or power of attorney, or any decree or order, as aforesaid ...	1	6	6
But, in case any letter, or power of attorney, or decree, or order, shall not disclose what particular real estate is to be managed, it shall be lawful for the secretary of the island, or other person officiating for him, to require the production of a declaration, to be taken before a justice of the peace, stating the nature of the real estate, in order that the said officer may be satisfied that the proper stamp is impressed on such letter, power, or decree, or order.			

LICENSES.

On every annual license to retail fire-arms ...	4	0	0
On every annual license to hawkers and pedlars ...	1	6	6
On every annual license for selling gunpowder	4	0	0
On every license, to be taken out yearly by any banker or bankers, banking company, or corporation, or other per- son or persons who shall issue any promissory notes for money,			

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money, payable to the bearer on demand, and allowed to be re-issued ...	66	13	6
On every marriage license ...	0	13	6

MORTGAGE.

Mortgage, further charge in security of, or affecting any lands, estate, or property, real or personal, whatsoever.

Also any conveyance, order, decree, or instrument disposing of any lands, estate, or property whatsoever, in trust to be sold, or otherwise converted into money, which shall be intended only as a security, and shall be redeemable before the sale or other disposal thereof, either by express stipulation or otherwise, except where such conveyance, order, decree, or instrument shall be made for the benefit of creditors generally, or for the benefit of creditors specified, who shall accept the provision made for payment of their debts, or who shall exceed five in number.

Also any defeazance, declaration, or other deed, order, or decree of the court of chancery of England, or of this island, or writing for defeating, or making redeemable, or explaining, or qualifying any conveyance of any lands, estate, or property whatsoever, which shall be apparently absolute, but intended only as a security.

Also on any agreement, contract, or bond, accompanied with a deposit of title deeds for making a mortgage, or such other security, or conveyance or instrument as aforesaid of any lands, estate, or property, comprized in such title deeds, or for pledging or charging the same as a security.

When the same respectively shall be made as a security for the payment of any definite and certain sum of money advanced or lent at the time, or previously due and owing, or forborne to be paid, being payable :

Not exceeding one hundred pounds ...	0	13	6
Exceeding one hundred pounds, and not exceeding two hundred pounds ...	1	0	0
Exceeding two hundred pounds, and not exceeding three hundred pounds ...	1	6	6
Exceeding three hundred pounds, and not exceeding four hundred pounds ...	1	13	6
Exceeding four hundred pounds, and not exceeding five hundred pounds ...	2	0	0
Exceeding five hundred pounds, and not exceeding six hundred pounds ...	2	6	6
	Exceeding		

	£.	s.	d.
Exceeding six hundred pounds, and not exceeding seven hundred pounds	2	13	6
Exceeding seven hundred pounds, and not exceeding eight hundred pounds	3	0	0
Exceeding eight hundred pounds, and not exceeding nine hundred pounds	3	6	6
Exceeding nine hundred pounds, and not exceeding one thousand pounds	3	13	6
Exceeding one thousand pounds, and not exceeding one thousand five hundred pounds	5	6	6
Exceeding one thousand five hundred pounds, and not exceeding two thousand pounds	7	0	0
Exceeding two thousand pounds, and not exceeding two thousand five hundred pounds	8	13	6
Exceeding two thousand five hundred pounds, and not exceeding three thousand pounds	10	6	6
Exceeding three thousand pounds, and not exceeding three thousand five hundred pounds	12	0	0
Exceeding three thousand five hundred pounds, and not exceeding four thousand pounds	13	13	6
Exceeding four thousand pounds, and not exceeding four thousand five hundred pounds	15	6	6
Exceeding four thousand five hundred pounds, and not exceeding five thousand pounds	17	0	0
Above five thousand pounds	20	0	0

And where the same respectively shall be made as a security for the re-payment of money, to be thereafter lent, advanced, or paid, or which may become due upon an account current, together with any sum already advanced, or due, or without, as the case may be, other than and except any sum or sums of money, to be advanced for the insurance of any property comprized in such mortgage or security against damage by fire, or to be advanced for the insurance of any life or lives, pursuant to any agreement in any deed, whereby any annuity shall be granted or secured for such life or lives :

If the total amount of the money secured, or to be ultimately recoverable thereupon, shall be uncertain, and without any limit

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But if the total amount of the money secured, or to be ultimately recoverable thereupon, be limited, not to exceed a given sum, then the duty upon such given sum.

And if the total amount of the money secured, or to be ultimately recoverable thereon, shall be uncertain, and without any limit, then the same shall be available as a security or charge for such an amount only of money or stock intended to be thereby secured as the *ad valorem* duty denoted by any stamp or stamps thereon will extend to cover.

Any transfer or assignment of any such other security as aforesaid, or of the benefit thereof, or of the money thereby secured.

When no further sum of money shall be added to the principal money already secured ...

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But no such deed, order, decree, or instrument as aforesaid shall, in any of the said several cases, be chargeable with any further or other sum than is herein expressly provided, by reason of its containing any further or additional security for the payment of such money, or any interest thereon, or any new covenant, proviso, power, stipulation, or agreement, or other matter whatever in relation to such money, or the interest thereon, or by reason of its containing all or any of such matters.

Any deed, order, decree, or instrument made for the further assurance only of any estate or property, which shall have been already mortgaged, pledged, or charged as a security by any deed, order, decree, or instrument, which shall have paid the *ad valorem* duty on mortgages or bonds, under any act or acts in force at the time of making such last-mentioned deed, order, decree, or instrument.

Also any deed, order, decree, or instrument made as an additional or further security for any sum or sums of money which shall have been already secured by any deed or instrument, which shall have paid the said *ad valorem* duty on mortgage or bond chargeable as aforesaid

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If any further sum of money shall be added to the principal money already secured, such deed, order, decree, or instrument for further assurance, or additional or further security, either by the mortgagor, or by any person entitled to the property by descent, devise, or bequest from such mortgagor, shall be chargeable only with the *ad valorem* duty on mortgages under this act, in respect of such further sum of money, in lieu of the duty aforesaid, notwithstanding the same deed, order, decree, or instrument may contain any covenant either by the mortgagor, or by any person entitled as aforesaid, proviso, power, stipu-

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lation, or agreement whatsoever, in relation to the money already secured, or the interest thereon.

Where several distinct deeds, orders, decrees, or instruments falling within the description of any of the instruments, hereby charged with the said *ad valorem* duty on mortgages, shall be made at the same time for securing the payment or transfer of one and the same sum of money, the said *ad valorem* duty, if exceeding two pounds, shall be charged only on one of such deeds, orders, decrees, or instruments, and all the rest shall be charged with the duty to which the same may be liable under any more general description of the same, contained in this schedule.

EXEMPTIONS FROM THE SAID AD VALOREM DUTY ON MORTGAGES, ET CETERA, BUT NOT FROM ANY OTHER DUTY TO WHICH THE SAME MAY BE LIABLE.

Any deed, order, decree, or other instrument, made in pursuance of, and in conformity to, any agreement, contract, or bond charged with, and which shall actually have paid the said *ad valorem* duty.

Any deed, order, decree, or other instrument, made for the further assurance only of any estate or property already mortgaged, pledged, or charged as security by any deed, order, decree, or instrument which shall have paid the said *ad valorem* duty hereby charged.

Any deed, order, decree, or other instrument made, as an additional or further security for any sum or sums of money already secured by any deed, order, decree, or instrument, which shall have paid the said *ad valorem* duty hereby charged, to be exempt from the said *ad valorem* duty hereby charged, so far as regards such sum or sums of money, in case such additional or further security shall be made by the same person or persons who made the original security; but if any further sum of money shall be added to the principal money already secured, or shall be thereby secured to any other person, the said *ad valorem* duty shall be charged in respect of such further sum of money.

Any deed, order, decree, or instrument, whereby any policy of assurance on the life of any person, or for the insurance of any property, shall be assigned or transferred by the insurer to any person as a security for money lent or advanced, the original policy having been duly stamped, as by this act is required.

And the deeds, orders, decrees, and instruments hereby exempted from the said *ad valorem* duty shall, on the face of them, refer to the deed, order, decree, or instrument

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bearing the *ad valorem* duty: *Provided*, That when any deed, order, decree, instrument, or writing, not liable to such *ad valorem* duty, shall be tendered to the secretary of this island for the purpose of being recorded, the principal instrument bearing the said *ad valorem* stamp, shall also be produced; and the fact of such production, and the amount of such *ad valorem* stamp, shall be certified by the secretary on such other instrument; and such certificate shall be deemed sufficient evidence of the said *ad valorem* duty having been impressed on the principal one, without its being necessary to produce the same in evidence.

MORTGAGE, ET CETERA with a conveyance of the equity or right of redemption, or reversion, or other matter, in the same instrument.

Where any instrument shall operate as a mortgage, or other instrument hereby charged with the *ad valorem* duty on mortgages, and also a conveyance of the equity, or right of redemption, or reversion of any lands, estate, or property therein comprised to, or in trust for, or according to the direction of, a purchaser, such instrument shall be charged, not only with the said *ad valorem* duty on mortgages, but also with the said *ad valorem* duty hereinbefore charged on a conveyance upon the sale of any property; but where the equity, or right of redemption, or reversion, shall be thereby conveyed, or limited in any other manner, such instrument shall be charged only as a mortgage.

And, in all other cases where a mortgage, or other instrument, hereby charged with the *ad valorem* duty on mortgages, shall be contained in one and the same deed, order, decree, or writing, with any other matter or thing (except what shall be incident to such mortgage, or other instrument), such deed, order, decree, or writing shall be charged with the same duties as such mortgage or other instrument, and such other matter or thing would have been separately charged with, if contained in separate deeds or writings.

ORDERS.

On every order to a minister to publish, in his church, the intention of a party to apply to the legislature for a private bill ...

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On every order for land, or any other beneficial order under the sign manual, or seal at arms of the governor, for any sum exceeding twenty pounds ...

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Order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, relating to the
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sale,

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sale, mortgage, or management of land, &c.—(See CONVEYANCE—LETTERS OF ATTORNEY—MORTGAGE.)

PATENTS.

On every patent, not otherwise charged in this schedule, nor expressly exempted from all stamp duty ... 1 6 6

EXEMPTION FROM ALL STAMP DUTY.

Patents of pardon.

PLATS.

On every plat, survey, or other surveyor's return, that shall be returned into any court or office, or annexed to any deed or other instrument ... 0 2 0

On every copy of a plat, survey, or other surveyor's return that shall be issued from any public office 0 2 0

POLICIES.

On every policy of assurance, or insurance, or other instrument, by whatsoever name the same shall be called, whereby any assurance shall be made of, or upon any building, plantation, goods, wares, merchandize, or other property, from loss or damage by fire only :

Where the sum insured shall not exceed one hundred pounds 0 5 6

And for every additional one hundred pounds, or fractional part thereof, up to five hundred pounds 0 5 6

And where it shall exceed five hundred pounds, and not amount to one thousand pounds ... 2 0 0

And where it shall amount to one thousand pounds, and not to two thousand pounds ... 2 13 6

And where it shall amount to two thousand pounds, and not to five thousand pounds ... 4 0 0

And where it shall amount to five thousand pounds, or upwards ... 6 13 6

On every policy of assurance, or insurance, or other instrument, by whatever name the same shall be called, whereby any assurance shall be made upon any ship or vessel, or upon any goods, merchandize, or other property on board of any ship or vessel, or upon the freight of any ship or vessel, or upon any other interest in, or relating to, any ship or vessel, which may lawfully be insured :

Where

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Where the sum insured shall not exceed two hundred pounds	0	4	0
Where the sum insured shall exceed two hundred pounds, and not exceed five hundred pounds ...	0	6	6
And if the whole sum insured shall exceed five hundred pounds, then for every five hundred pounds, and also for any fractional part of five hundred pounds, whereof the same shall consist	0	3	6
On every policy of assurance, or insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall be made on any life or lives, or upon any event or contingency relating to, or depending upon, any life or lives :			
Where the sum insured shall amount to one hundred pounds	0	2	6
And upon every additional one hundred pounds, up to one thousand pounds, the further sum of ...	0	2	6
And if the sum insured shall exceed one thousand pounds, then, for every five hundred pounds, and also for any fractional part of five hundred pounds, whereof the same shall consist	0	6	6
But any insurances effected for periods less than twelve months shall be charged proportionately at the rates aforesaid, according to the fractional parts of a year for which they may be respectively effected.			

PRESENTATIONS.

On every presentation to a benefice, or church living	13	6	6
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EXEMPTION.

Every case of simple and *bonâ fide* exchange of benefices between rectors, or between island curates, or stipendiary curates, allowed and taking place at the instance of the respective incumbents.

PROMISSORY NOTE FOR THE PAYMENT TO THE BEARER, ON DEMAND.

Of any sum of money, not exceeding £1 ...	0	0	3
Exceeding £1, and not exceeding £2 ...	0	0	6
Exceeding £2, and not exceeding £5 ...	0	1	0
Exceeding £5, and not exceeding £10 ...	0	2	0
Exceeding £10, and not exceeding £20 ...	0	3	0
C c 2	Exceeding		

		£.	s.	d.
Exceeding £20, and not exceeding £30	...	0	4	0
Exceeding £30, and not exceeding £50	...	0	5	0
Exceeding £50, and not exceeding £100	...	0	10	0

Which said notes may be re-issued after payment thereof, as often as shall be thought fit.

PROMISSORY NOTE FOR THE PAYMENT TO THE BEARER, OR TO ORDER, AT ANY TIME AFTER DATE OR SIGHT THEREOF FOR THE PRINCIPAL SUM.

Exceeding £10, and not exceeding £30	...	0	0	3
Exceeding £30, and not exceeding £50	...	0	0	6
Exceeding £50, and not exceeding £100	...	0	1	6
Exceeding £100, and not exceeding £200	...	0	2	0
Exceeding £200, and not exceeding £500	...	0	4	0
Exceeding £500, and not exceeding £1000	...	0	6	6
Exceeding £1000, and not exceeding £2000	...	0	13	6
Exceeding £2000	...	1	6	6

Promissory note for the payment of any sum of money by instalments, or for the payment of several sums of money at different days or times, so that the whole of the money to be paid shall be definite and certain

The same duty as on a promissory note payable to the bearer, or to order, at any time after date or sight thereof.

And the following instruments shall be deemed and taken to be promissory notes, within the intent and meaning of this schedule, viz :

I owe you, or engagement, in writing, to pay money.

EXEMPTIONS FROM THE FOREGOING AND ALL OTHER STAMP DUTIES.

All promissory notes for the payment to the bearer, or to order, at any time after date or sight thereof, of sums under £10

PROTESTS.

On every protest, or other notarial act, under the hand of a notary public, or deputy notary public, done in this island

0 4 0

RECEIPT,

£. s. d.

RECEIPT, OR DISCHARGE GIVEN FOR OR UPON THE PAYMENT OF MONEY, (THE DUTIES WHEREON SHALL BE PAID BY THE PARTY RECEIVING THE MONEY).

Amounting to ten pounds, and not amounting to fifty pounds 0 0 1½

Amounting to fifty pounds, and upwards ... 0 0 3

And where any sum of money shall be therein expressed or acknowledged to be received, in full of all demands 0 1 6

And any note, memorandum, or writing whatsoever, given to any person for or upon the payment of money, whereby any sum of money, debt, or demand, or any part of any debt or demand therein expressed, shall be expressed, or acknowledged to have been paid, settled, balanced, or otherwise discharged or satisfied, or which shall import or signify any such acknowledgment: And whether the same shall or shall not be signed with the name of any person, shall be deemed and taken to be a receipt for a sum of money of equal amount with the sum, debt, or demand so expressed or acknowledged to have been paid, settled, balanced, or otherwise discharged and satisfied, within the intent and meaning of this schedule, and shall be charged with a duty accordingly.

And any receipt, or discharge, note, memorandum, or writing whatsoever, given to any person for or upon the payment of money which shall contain, import, or signify any general acknowledgment of any debt, account, claim, or demand, debts, accounts, claims, or demands, whereof the amount shall not be therein specified, having been paid, balanced, settled, or otherwise discharged, or satisfied, or whereby any sum of money therein mentioned shall be acknowledged to be received in full, or in discharge, or satisfaction of any such debt, claim, account, or demand, debts, accounts, claims, or demands, and whether the same shall or shall not be signed with the name of any person, shall be deemed and taken to be a receipt in full, within the intent and meaning of this schedule, and shall be charged with the duty of one shilling and six pence accordingly.

Provided, That any letter, or one of divers letters, importing or signifying any receipt or acknowledgment, within the meaning of this schedule, may be stamped at any time before being tendered in evidence; and, where there are divers such letters, it shall suffice to stamp one of such letters, in relation to one transaction or claim.

And all receipts, discharges, and acknowledgments of the description aforesaid, which shall be given for, or upon payment made by or with any bills of exchange, drafts, promissory notes, or other securities for money, shall be deemed and

taken

£. s. d.

taken to be receipts given upon the payment of money within the intent and meaning of this schedule.

RECEIPTS.

And all receipts or discharges which shall be given or granted to the receiver-general for or in respect of any moneys payable by him out of the public treasury (except moneys payable as draft on island certificates and exchequer bills), other than as hereinafter excepted, shall be chargeable after the like scale of duty.

EXEMPTIONS FROM THE PRECEDING DUTIES ON RECEIPTS.

Receipts or discharges written upon promissory notes, bills of exchange, drafts, or orders for the payment of money, duly stamped, according to the laws in force at the date thereof.

Letters by the general post, acknowledging the safe arrival of any bills of exchange, promissory notes, or other securities for money.

Receipts for any moneys paid into any savings' banks of this island.

Receipts or discharges endorsed, or otherwise written upon, or contained in any bond, mortgage, or other security, or any conveyance, deed, or instrument whatever, duly stamped, according to the laws in force at the date thereof, acknowledging the receipt of the consideration-money therein expressed, or the receipt of any principal money, interest, or annuity thereby secured.

Releases or discharges for money by deeds duly stamped, according to the laws in force at the date thereof.

Receipts or discharges for the return of any duties of customs upon certificates of over entry.

Receipts given or granted by the receiver-general, or any of his deputies, or by any collector of dues, for or in respect of any public, or parochial, or other taxes or duties, or given or granted by the justices and vestry of any parish, or the common council of Kingston.

Receipts or acknowledgments, on the records of the secretary's office, of the payment of a mortgage debt.

RECEIPTS.

On every receipt granted by the island secretary for deeds or papers recorded in his office

0 2 0

On

On every receipt granted by the island secretary for recording annual returns of attorneys or trustees, commonly called crop accounts ...

0 4 0

SETTLEMENTS.

Any deed, or any order or decree of the court of chancery of England, or of this island, or other jurisdiction or authority, or instrument whatever, whether voluntary or gratuitous, or upon any good or valuable consideration other than a *bond fide* pecuniary consideration, whereby any certain and definite sum or sums of money (whether charged or chargeable on lands or other hereditaments or not, or to be laid out in the purchase of lands or other hereditaments or not, and, if charged or chargeable on lands or other hereditaments, whether to be raised at all events or not, or whereby any lands, tenements, rents, annuities, or other property, real or personal, or any right, title, interest, or claim into, out of, or upon, any lands, tenements, rents, annuities, or other property shall be settled, or agreed to be settled upon, or for the benefit of any person or persons, either in possession or reversion, either absolutely or conditionally, or contingently, or for life, or other partial interest, or in any other manner whatsoever.)

If such sum or sums of money, or the value of such property shall not amount to one thousand pounds ...

1 6 6

And if the same shall amount to one thousand pounds, and not amount to two thousand pounds ...

2 13 6

And if the same shall amount to two thousand pounds, and not amount to three thousand pounds ...

4 0 0

And if the same shall amount to three thousand pounds, and not amount to four thousand pounds ...

5 6 6

And if the same shall amount to four thousand pounds, and not amount to five thousand pounds ...

6 13 6

And if the same shall amount to five thousand pounds, and not amount to six thousand pounds ...

8 0 0

And if the same shall amount to six thousand pounds, and not amount to seven thousand pounds ...

10 0 0

And if the same shall amount to seven thousand pounds, and upwards ...

13 6 6

Note.—The value of such property, if real estate, to be ascertained from the roll, or last collected roll of the assessment of property, if there inserted; if not, or if property of any other nature, by a declaration of the true and real value of the same.

EXEMPTIONS

£. s. d.

EXEMPTIONS FROM STAMP DUTIES UNDER THE PRECEDING HEAD "SETTLEMENT."

Bonds, mortgages, and other securities operating as settlements, if chargeable with the *ad valorem* duties on bonds and mortgages hereinbefore granted.

Deeds, or instruments of appointment, apportionment in execution of powers given by any previous settlement, deed, or will to, or in favor of, persons specially named or described as the object of such powers.

Deeds, or instruments merely declaring the trusts of any money, pursuant to any previous settlement, deed, or will, or for securing any gifts or dispositions made by any previous settlement, deed, or will.

Wills, testaments, and testamentary instruments, and dispositions, *mortis causâ*, of every description.

SCHEDULE.

Inventory, or catalogue of any lands or hereditaments, or of any furniture, fixtures, or other goods or effects, or containing the terms and conditions of any proposed sale or lease, or the conditions and regulations for the cultivation and management of any estate, plantation, pen, or other property leased, or agreed to be leased, or containing any other matter or matters of contract or stipulation whatsoever, which shall be referred to, in, or by, and be intended to be used or given in evidence as part of, or as material to, any agreement, lease, bond, deed, order, decree, or other instrument charged with any duty, but which shall be separate and distinct from, and not endorsed on, or annexed to, such agreement, lease, bond, deed, order, decree, or other instrument.

Where any such inventory, schedule, or catalogue shall be so referred to in or by any such agreement, lease, bond, deed, decree, order, or such other instrument as aforesaid, chargeable with any stamp duty, not exceeding ten shillings, the same duty as shall be so chargeable on such agreement, lease, bond, deed, order, decree, or other instrument.

And where any such schedule, inventory, or catalogue shall be referred to in or by any lease, bond, deed, order, decree, or such other instrument as aforesaid, chargeable with a stamp duty exceeding ten shillings, then, for every additional pound of the amount of the last-mentioned duty, a further progressive duty of ...

0 1 6

WARRANTS.

On every pilot's warrant for one port ...

8 0 0
And

	£.	s.	d.
And for more than one port ...	13	6	6
On every warrant and appointment of interpreter of foreign languages ...	2	0	0
On every warrant or appointment of health officer in Kingston	20	0	0
On every warrant or appointment of health officer at Montego-Bay, or Falmouth ...	10	0	0
And on every warrant or appointment of health officer for any other port ...	6	13	6
And on every warrant of quarter gunner of a fort on the island establishment ...	24	0	0

GENERAL EXEMPTIONS FROM ALL STAMP DUTIES.

All acts of the legislative council and assembly, proclamations, acts of state, votes, or matters printed by order of either branch of the legislature, or of any vestry in the island, inquisitions, and other proceedings taken before any coroner or magistrate; all proceedings for enforcing militia duties.

All probates, or acknowledgments of any deed, or instrument in writing, written in any part thereof, or annexed thereto.

All accounts of produce, commonly called crop accounts.

All bonds, and other official documents whatsoever, relating to the service of her majesty's customs in this island, her majesty's commissariat or ordnance department; or any military or naval board in this island, or relating to the public service in this island.

All leaves of absence to persons holding honorary appointments.

[PART THE SECOND.]

Containing the Duties on Law and other Proceedings.

AFFIDAVITS.

On every affidavit, whether joint or several, in one suit or matter, to be filed, read, or used in the court of chancery	0	4	0
For each additional suit or matter ...	0	4	0
In any other court in this island ...	0	2	0

D d

ANSWER.

£. s. d.

ANSWER.

In the court of chancery.	{ To any bill or information ...	2 0 0
	{ Or affidavit in answer by a respondent to any cause petition ...	2 0 0

APPEARANCE.

On every appearance of a defendant or respondent in chancery	0 2 0
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APPOINTMENT.

On every appointment of bailiff of the crown, guardianship, or committee of a lunatic ...	3 6 6
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ATTACHMENT.

On every attachment issuing out of the court of chancery	0 8 0
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ATTESTATIONS.

On every [every] public attestation to an appeal from the court of chancery ...	3 6 6
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From any other court ...	2 13 6
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On every attestation or exemplification that shall pass the seal of this island, or of any court thereof ...	1 6 6
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BILL.

On every bill in chancery ...	3 6 6
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On every information in chancery ...	3 6 6
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CAUSE PETITION.

On every original cause petition ...	3 6 6
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Supplemental ditto ...	1 0 0
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CERTIFICATES.

On every certificate of an officer of any court of judicature, or public office in this island, or from any clerk of the peace in this island ...	0 2 0
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CITATION.

On every citation out of the court of chancery ...	0 8 0
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Out of any other court ...	0 2 0
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CLAIM.

CLAIM.

£. s. d.

On every claim, or proof of debt, filed or lodged in the master's office ... 0 6 6

COMMISSION.

On every commission out of the court of chancery, supreme court, or any other court of judicature in this island ... 0 13 6

COURT OF ORDINARY.

On every will bond, or on the dedimus to prove the will, at the option of the island secretary, and on every administration bond, where the personal property is under twenty pounds 0 13 6

Amounting to twenty pounds, and under fifty pounds 1 6 6

Amounting to fifty pounds, and under eighty pounds 2 0 0

Amounting to eighty pounds, and under one hundred pounds 2 13 6

Amounting to one hundred pounds, and under one hundred and fifty pounds ... 4 0 0

Where the personal property amounts to one hundred and fifty pounds, and is under two hundred pounds ... 5 6 6

Amounts to two hundred pounds, and under two hundred and fifty pounds ... 6 13 6

Amounts to two hundred and fifty pounds, and under three hundred pounds ... 8 0 0

Amounts to three hundred pounds, and under three hundred and fifty pounds ... 9 6 6

Amounts to three hundred and fifty pounds, and under four hundred pounds ... 10 13 6

Amounts to four hundred pounds, and under four hundred and fifty pounds ... 12 0 0

Amounts to four hundred and fifty pounds, and under five hundred pounds ... 13 6 6

And for every additional one hundred pounds, or fractional part, the further sum of ... 2 13 6

And no will bond, or administration bond, shall issue out of the court of ordinary of this island until a declaration, by the executor proving the will, or the person to whom the grant of administration has been made, of the probable value of the deceased's estate has been produced to the island secretary by

D d 2

the

£. s. d.

the party requiring the probate of a will or grant of administration; and should the inventory, upon being presented to be recorded, exceed the amount declared to, the additional duty, to make up such difference, shall be paid (less the discount allowed by the foregoing act, if such difference shall amount to five pounds), to the receiver-general, and the inventory shall be impressed with a stamp or stamps of the value or amount of such additional duty, and no such inventory shall be received until the production to the island secretary of a receipt by the receiver-general, stating that such difference of duty (less discount, where allowable as aforesaid), has been paid into the stamp office; and thereupon the island secretary shall notify the fact on the original inventory, and on the record thereof respectively.

And, in all cases, where probate or administration shall have been commenced before the coming into operation of this act, and in which the aforesaid *ad valorem* duty shall not have attached, there shall be impressed upon each of the following instruments remaining to be taken out, *videlicet* :

The letters testamentary, or letters of administration, and on every <i>dedimus potestatem</i> , and warrant of appraisement, a stamp duty of	...	...	0 13 6
On all articles, or any libel exhibited for the probate in solemn form of a will or codicil	...	...	3 6 6
Answer to such articles, or libel	...	...	2 0 0

EXEMPTION FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

All will bonds, and administration bonds, relating to the estate of any common soldier or sailor who shall be slain, or shall die in her majesty's service (the same so appearing by a certificate under the hand of the officer under whom he served).

DEDIMUS.

On every dedimus issuing out of the court of chancery	0 13 6
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DEMURRERS.

On every demurrer in the court of chancery	0 13 6
In any other court	0 2 0

DEPOSITIONS.

On every engrossment of depositions or answers to interrogatories in any court of law, or equity	0 13 6
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DISCLAIMER.

£. s. d.

DISCLAIMER.

On every disclaimer in the court of chancery	...	0	13	6
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ENROLMENT.

On every enrolment of a final decree	...	3	6	6
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EXAMINATIONS.

(See depositions.)

EXCEPTIONS.

On every exception, or set of exceptions, in a cause in chancery		0	13	6
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EXECUTIONS.

On every writ of execution out of the court of chancery		0	13	6
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EXEMPLIFICATIONS.Of wills and of judicial and other proceedings (*vide* paper stamps.)**GUARDIANSHIP.**

On every letter or appointment of guardianship issuing out of the court of chancery	...	3	6	6
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INFORMATIONS.

(See bills in chancery).

INTERROGATORIES.

In every court of law or equity, or court of ordinary		0	13	6
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INQUISITIONS.

On every inquisition in extent, the subject of one writ		0	6	6
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And for every additional writ included in such inquisition		0	4	6
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On every other inquisition, the subject of writs issued from the supreme court	...	0	6	6
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JUDGMENTS.

On every authority for entering satisfaction on a judgment		0	1	6
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On every assignment of a judgment	...	0	4	0
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On every authority for entering satisfaction on a judgment obtained in any court of common pleas	...	0	1	6
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On

£. s. d.

On every distress warrant under twenty shillings in the petit debts courts in any parish	...	...	0	0	3
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On every distress warrant under forty shillings in the petit debts courts in any parish	...	...	0	0	6
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On every distress warrant above forty shillings in the petit debts courts in any parish	...	...	0	0	9
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MANUCAPTION.

On every manucaption	...	...	0	4	0
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NOTICE.

Of filing cause petition	..	...	0	4	0
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OFFICE COPIES.

(See paper stamps).

ORDERS.

On every attested copy order in any court of this island			0	2	0
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PETITIONS.

On every petition in any suit or matter in any court of this island, except in the court of chancery	...		0	2	0
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IN THE COURT OF CHANCERY.

On every petition for a receiver, for a commission <i>de lunatico inquirendo</i> , or for grant or gift from the crown			2	0	0
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On every other petition (save cause petitions)	...		0	6	6
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PLEAS.

On special pleas in the court of chancery	...		0	13	6
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In any other court	...	...	0	2	0
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RECOGNIZANCES.

On every recognizance in the court of chancery	...		2	0	0
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On every other recognizance, except in criminal cases, and in appeals from the summary jurisdiction of magistrates.			0	4	0
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On every recognizance on appeal from the summary jurisdiction of magistrates	...	...	0	2	0
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REJOINDERS.

REJOINDERS.

£. s. d.

On one or more rejoinders in the court of chancery	...	0	6	6
In any other court	...	0	2	0

REPLICATIONS.

On one or more replications in the court of chancery	...	0	6	6
In any other court	...	0	2	0

SUBPŒNAS.

On every subpoena issuing out of the court of chancery	...	0	8	0
On every subpoena issuing out of the supreme court of judicature in this island	...	0	0	6

SUMMONS.

On every original summons issued by justices of the peace on the private prosecution of any party, or on the information to ground same, at the option of the party	...	0	1	6
On each warrant issued by justices of the peace on the private prosecution of any party, or on the information to ground same, at the option of the party	...	0	1	6

SUGGESTIONS.

On every suggestion in the court of chancery	...	0	13	6
In any other court	...	0	2	0

WARRANTS.

(SEE next after SUMMONS.)

WRITS.

On every writ of error	...	1	13	6
On every writ of <i>certiorari</i>	...	0	13	6
On every writ of partition	...	0	6	6
On every writ of emblements	...	0	6	6
On every writ of dower	...	0	6	6
On every writ of possession	...	0	6	6
On every writ, and on each process for contempt issuing out of the court of chancery, (except the writ of execution <i>ante</i>)	...	0	8	0
			On	

£. s. d.
0 2 0

On every other writ issuing out of the supreme court

EXEMPTIONS FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

All writs of *habeas corpus*, and all writs of summons or arrest, filed or lodged, with declarations.

All motion papers in the supreme court of judicature, and the court of chancery of this island.

All side bar rules entered up in the office of the clerk of the supreme court.

All rules and orders to compel the making up of issues in causes pending in the superior courts of law.

All notices in the chancery, supreme, and circuit courts of this island.

All pleas of the general issue, all imparlances, and similiter.

All affidavits and declarations, made pursuant to any act of this island.

All process and proceedings for, or on the behalf of, any person legally admitted to sue or defend *in forma pauperis*, and all proceedings in criminal suits and prosecutions whatsoever.

[PART THE THIRD.]

PAPER STAMPS.

All exemplifications of wills, and every other exemplification all proceedings, and copies sent to this island to be recorded, used, or given in evidence in any court, which are not charged with any specific duty under this act, shall be subject to, and be impressed with the paper stamps hereinafter respectively specified.

All masters' reports in chancery; all accounts of guardians, trustees, mortgagees in possession, required to be recorded in the secretary's office of this island; inventories; all office copies, authenticated by the island secretary, clerk of the court, clerk of the crown, registrar in chancery, clerk of the patents, and registrar of the diocese, shall be written, transcribed, engrossed, or printed upon paper, vellum, or parchment of the descriptions hereinafter mentioned; and such paper, vellum, or parchment, and each sheet thereof, shall be stamped with the duties, and the same shall contain the number of lines hereinafter mentioned; and, for the purposes of this act, each and every side of the paper, vellum, and parchment shall be deemed a separate sheet.

Imperial

	£.	s.	d.
Imperial and royal paper, or any paper, vellum, or parchment of the same size, and containing not more than forty lines of writing	0	4	0
And for every additional forty lines of writing, and also for any fractional part of forty lines of writing on the same sheet	0	4	0
Demy or medium paper, or any paper, vellum, or parchment, of the same size, containing not more than thirty lines of writing	0	2	0
And for every additional thirty lines, and also for any fractional part of thirty lines of writing on the same sheet	0	2	0
Post paper, or any paper, vellum, or parchment of the same or smaller size, containing not more than twenty-four lines	0	1	6
And for every additional twenty-four lines, and also for any fractional part of twenty-four lines of writing on the same sheet	0	1	6
<i>Provided always</i> , That in respect to masters' reports in chancery, and accounts current, it shall be lawful for any person to write the same upon both sides of a sheet of paper, without being liable to pay any further stamp duty than is hereby imposed upon one side of such paper.			

C A P. XIV.

An act to impose additional duties of customs on certain articles of import.

WHEREAS it is expedient to make provision in aid of the expenditure of this island, by an additional duty on imports: Preamble.
Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :

First—In addition to the duties already by law, or to be by any act of the present session imposed, there shall be raised, levied, and paid, to her majesty, for the support of this island, upon the several articles imported into this island, and enumerated in the schedule hereunto annexed, the several duties therein respectively set forth, from and after the third day of December, in the year one thousand eight hundred and sixty-one, until the thirty-first day of March, one thousand eight hundred and sixty-three. Additional duties imposed on certain articles from 3d December, 1861, to 31st March, 1863.

Second—Such duties shall be levied, recovered, and received How such duties shall be recovered,
 E e by

- by her majesty's officers of customs, under the like regulations and powers, and subject to the like penalties, and with like protection, and shall be paid over to the receiver-general at the same times, and in the same manner, as other duties of customs collected under acts of this island now or hereafter to be in force imposing duties of customs.

SCHEDULE.

	£.	s.	d.
On each cwt. of codfish	0	1	0
“ Gallon of malt (in bottle)	0	0	6
“ do do (in bulk)	0	0	3
“ do wine (in bottle)	0	0	9½
“ do do (in bulk)	0	0	3½
“ do brandy	0	1	0
“ do gin	0	2	0
“ do British spirits	0	3	0
“ Barrel of beef	0	4	0
“ do pork	0	4	0
“ do tongues	0	4	0
“ cwt. of rice	0	1	0
“ bushel of wheat	0	0	4
“ lb. of manufactured tobacco	0	0	2
“ do leaf or unmanufactured tobacco	0	0	1½

C A P. XV.

An act for the appointment of an island chemist.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:

The governor may appoint an island chemist at a salary of £300 per annum.

First—It shall be lawful for the governor to appoint some fit and proper person, who shall reside in Kingston, and who shall be called “Island Chemist,” and, by his warrant to direct quarterly or monthly, as he shall think fit, a salary to be paid to the person so appointed, at the rate of three hundred pounds *per annum*; and, for neglect of duty, or general impropriety in his office, to remove any person so appointed, if he shall see occasion; and, in case of a vacancy occurring by such removal or otherwise, to appoint some fit and proper person as such island chemist at the salary aforesaid; and it shall be the duty of such person to make any analysis which the governor, or executive committee, in any matter, or any court, or judge, or bench of justices of the peace, or coroner, in

Duties, &c. of the island chemist.

in any prosecution, examination, inquest, or proceeding, shall require him to make; and he shall make to the governor, or other authority requiring such analysis, a full and particular report thereof, and of his opinion or judgment therein; and every such report and opinion, under the hand of such chemist, and attested by any justice of the peace, shall be evidence in any examination, inquest, or proceeding, not of a final character, before any bench of justices, or justice, or coroner; and, whenever it may be necessary for such chemist to appear to give evidence before any court out of the precinct of Kingston or St. Catherine, as a witness for the prosecution, his expenses shall be allowed and paid by the public, in the like manner and on the like scale whereon the expenses of any medical witness are allowed and paid.

Second—That the salary under this act shall commence and be payable on and from the first day of January, one thousand eight hundred and sixty-two.

When salary shall commence.

Third—This act shall wholly cease and determine on the thirty-first day of December, one thousand eight hundred and sixty-four.

Expiration of act.

C A P. XVI.

An act to provide for repairing parochial churches, chapels, rectories, school houses, and other parochial buildings.

WHEREAS it is necessary that provision should be made for repairing the parochial churches and chapels, rectories, school houses, and other parochial buildings of the respective parishes of this island: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble.

[*First*].—It shall be lawful for the executive committee to apply for such purpose the sum of seventeen thousand eight hundred and ninety pounds nine shillings and three pence, provided under the act of the twenty-fourth Victoria, chapter twenty-six, to be repaid to the public general revenue on account of that sum expended in the improvement of the main roads, and accordingly to exercise all the powers, authorities, and functions conferred by the act for raising such amount.

Executive committee may apply certain moneys to the repairs of churches, chapels, &c.

Second—The justices and vestry of each parish shall appoint not exceeding five members of their body, who, with the custos, shall form a committee to obtain specifications of the

Justices and vestry to appoint a committee to obtain specifications, &c. for such repairs, to be approved

by executive committee, and take tenders for same, &c.

particulars and estimates of the costs of the repairs required to the several buildings aforesaid, and shall thereafter invite, by public advertisement, tenders with good and sufficient sureties for the performance of such repairs respectively, and shall communicate to the executive committee the particulars of all tenders received therefor, and shall intimate the particular tenders which it may appear to them are most reasonable and advantageous; and, on the same being found to be within the means provided, or made applicable under this act, and not exceeding the respective sums estimated in the schedule hereunto annexed, and being approved by the executive committee, the said committee, appointed by the vestry, shall accept such tenders with due security as aforesaid, and thereupon enter into contracts for the execution of such repairs accordingly.

Governor to direct payment of such repairs.

Third—The governor, with the advice of the executive committee, shall, out of the monies to be applied under this act, by his warrants direct the receiver-general to pay to the order of the said vestry committee of the parish requiring the same such sums of money as shall from time to time be requisite for repairs of the parochial buildings, according to the tenders and contracts which shall have been accepted and entered into, as hereinbefore provided.

Account of monies received and paid to be laid before the legislature.

Fourth—The executive committee shall, within fourteen days after the meeting of the legislature in each year, lay before the assembly a full and particular account of all monies which shall have been received and paid by the receiver-general under the authority of this act, distinguishing the amount paid on account of each parish.

SCHEDULE.

			£.	s.	d.
Kingston	...		2,170	0	0
Saint Andrew	...	...	1,640	0	0
Port Royal	...		200	0	0
Saint Thomas in the East	...	...	1,260	0	0
Portland	..	..	380	0	0
Saint George	..	...	291	0	0
Metcalf	..	..	801	0	0
Saint Catherine	..	..	700	0	0
Saint John	...	..	100	0	0
			Saint		

	£.	s.	d.
Saint Dorothy ..	460	0	0
Saint Thomas in the Vale ..	480	0	0
Saint Mary ,.. ..	398	10	0
Saint Ann ...	1,130	0	0
Clarendon	1,400	0	0
Vere	800	0	0
Manchester ..	500	0	0
Saint Elizabeth	1,385	0	0
Westmoreland ..	1,060	0	0
Hanover	550	0	0
Saint James	1,130	0	0
Trelawny	1,000	0	0
	£17,835	10	0

C A P. XVII.

An act to provide for the repairs of court-houses, police stations, and other buildings used for public purposes in the several parishes of this island.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:

First—It shall be lawful for the executive committee to appropriate a sum, not exceeding six thousand nine hundred and ninety-six pounds, for the purpose of repairing the several court-houses, police stations, lockups, and other buildings used for public purposes in the several parishes throughout this island requiring repairs.

Executive committee to appropriate certain moneys to the repairs of court-houses, &c.

Second—The justices and vestry of each parish shall appoint not exceeding five members of their body, who, with the custos, shall form a committee to obtain specifications of the particulars and estimates of the costs of the repairs required to the several buildings aforesaid, and shall thereafter invite, by public advertisement, tenders, with good and sufficient sureties, for the performance of such repairs respectively; and shall communicate to the executive committee the particulars of all tenders received therefor, and shall intimate the particular tenders which it may appear to them are most reasonable and advantageous; and, on the same being found to be within the

Justices and vestry to appoint committee to obtain specifications, &c. to be approved by executive committee, and receive tenders for such repairs.

the means provided under this act, and not exceeding the respective sums estimated in the schedule hereunto annexed, and being approved by the executive committee, the said committee, appointed by the vestry, shall accept such tenders, with due security as aforesaid; and thereupon enter into contracts for the execution of such repairs accordingly.

Governor to direct
payment of such re-
pairs.

Third—The governor, with the advice of the executive committee, shall, out of the monies to be applied under this act, by his warrants direct the receiver-general to pay to the order of the said vestry committee of the parish requiring the same such sums of money as shall from time to time be requisite for repairs of such buildings, according to the tenders and contracts which shall have been accepted and entered into as hereinbefore provided.

Account of monies
received and paid to
be laid before the le-
gisature.

Fourth—The executive committee shall, within fourteen days after the meeting of the legislature in each year, lay before the assembly a full and particular account of all monies which shall have been received and paid by the receiver-general under the authority of this act, distinguishing the amount paid on account of each parish.

Act of 1st Vic. cap.
17, repealed.

Fifth—The act of the first Victoria, chapter seventeenth, for the erection of a new court-house in the town of Black-River, and for other purposes, is hereby repealed, but without prejudice to any title or act done thereunder.

SCHEDULE.

		£.	s.	d.
Kingston	...	400	0	0
Port-Royal	...	10	0	0
Saint Andrew	...	80	0	0
Saint David	...	300	0	0
Saint Thomas in the East		486	0	0
Portland	..	250	0	0
Saint George	...	50	0	0
Metcalf	..	220	0	0
Saint John	..	260	0	0
Saint Dorothy	..	120	0	0
Saint Thomas in the Vale		290	0	0
Saint Mary	...	330	0	0
Saint Ann	...	1300	0	0
Clarendon				

			£.	s.	d.
Clarendon	...		250	0	0
Vere	...	..	1050	0	0
Manchester	...		80	0	0
Saint Elizabeth	...	...	500	0	0
Westmoreland	..	..	520	0	0
Saint James	..	..	100	0	0
Trelawny	..	..	400	0	0
			£6996	0	0

C A P. XVIII.

*Made permanent
by Law No 17 of 1869.*

An act to consolidate and amend the laws relating to highways, not being turnpike roads governed and regulated by acts specially relating thereto, and not being main roads.

See Law No 17 of 1869.

*Application of laws
hitherto used for
Main Roads*

WHEREAS it is expedient to amend and consolidate the laws now in force relating to roads and highways, not being turnpike roads governed and regulated by acts specially relating to such turnpike roads, and except as regards the roads transferred to, and placed under the superintendence of the main road commissioners: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same,*

First—Notwithstanding the expiry or repeal of the acts of the twentieth Victoria, chapters seventeen and eighteen, and twenty-third Victoria, chapter thirty-six, all acts done, and all existing contracts, and agreements made and entered into under the authority of any such act or acts, shall continue in force for the time for which they were originally entered upon, or until new acts, contracts, or agreements shall be done or entered into instead of them, under this act, and all liabilities or penalties incurred under such acts, or either of them, shall be enforced, and all offences against the provisions of any such acts, or either of them, committed before the passing of this act, may be punished as if this act had not been passed, and all proceedings which may have been already commenced for laying out, altering, or making new roads, shall be continued and concluded under this act.

Acts done under certain laws to continue in force notwithstanding their repeal.

Second

Commissioners of
highways and bridges,
to be established in
each parish, who may
sue and be sued, &c.

*Repealed by Law
No 8 of 1866.*

Second—There shall be established, in each parish of this island, a board of commissioners, to be called "The Commissioners of Highways and Bridges for the Parish of" (naming such parish), and such commissioners, by such name, style, or designation shall sue and be sued, implead and be impleaded in all courts of justice, and shall enter into and execute all deeds, contracts, and agreements, and all deeds, contracts, and agreements so made and entered into by the said commissioners, and signed (or, in the case of deeds, signed and sealed), by any three of the said commissioners on behalf of any board of which they shall be commissioners, shall be valid and effectual to all intents and purposes.

Composition of Board.

Third—Such board shall consist of the custos, or senior acting resident magistrate of the parish, the members of the legislative council, resident in any such parish, the members of assembly of the parish for the time being, and also two resident justices of the peace from each of the districts named in the schedule hereto marked A, or if there shall be no such resident justices in any such district, two justices residing in an adjoining district into which such parish has been divided, under the authority of the acts first Victoria, chapter thirty-four, and ninth Victoria, chapter forty-four, or if, in any precinct there shall be no such resident justices in the particular parish, then such justices or justice as may be required may be taken from any other parish of the precinct, and also one resident taxpayer or householder, paying taxes annually to an amount not less than two pounds for each such district, but who shall not be a justice of the peace; and, if there shall be no resident taxpayer or householder in the particular district, then such taxpayer or householder may be taken from any other district nearest the one to be represented at such board; and such taxpayer or householder shall be annually elected by the justices, in special sessions assembled, except in Kingston, where such board shall consist of the custos, or senior acting resident magistrate, the mayor for the time being, and two justices of the peace for and resident in each district into which it has been divided, and one alderman, and one householder or taxpayer in each district paying taxes as aforesaid, to be annually elected by the justices in special session assembled.

The custos to be chairman.

Fourth—The custos of each parish shall be the chairman of the board of highways and bridges in such parish, and, in his absence, the senior magistrate present at any meeting of the said board shall act as such chairman.

Authority of board.

Fifth—Each such board of commissioners shall have the exclusive

sive care, management, control, and superintendence of all highways, roads, thoroughfares, streets, lanes, aqueducts, and bridges in the parish for which it is appointed, except such turnpike roads as are governed and regulated under acts of this island specially relating thereto, and except the roads from time to time transferred to, and placed under the superintendence of the main road commissioners.

Sixth—A special session of the peace shall be called by the custos of each parish, or, in his absence, by the senior resident magistrate, by notice, to be published in the Jamaica Gazette, by authority, at least five days before the day of meeting, within fourteen days after the first February in each and every year, and such justices, so assembled, shall elect persons to be commissioners of highways and bridges in their respective parishes, and the names of the several commissioners shall be entered on the minute book kept by the clerk of the peace of the said parish, and be published in the Jamaica Gazette, by authority; but the several persons now acting as commissioners shall continue to perform the duties, and exercise the powers and authorities hereby prescribed and given, until such new appointments be made in their respective parishes, and published as herein directed.

How members are to be elected.

Rps

Seventh—Not less than five members shall constitute a board for the transaction of business, except where the number of commissioners shall exceed eighteen, and then not less than seven members shall constitute such board; or except where the number of commissioners shall not exceed nine, then only three of them shall suffice to constitute such board, and the commissioners shall hold their meetings at the court-house of the parish.

Quorum for transaction of business.

Rps

Eighth—The commissioners shall meet once in each quarter; that is to say, on the third Wednesday in January, April, July, and October, or any other convenient day in the same week in which such third Wednesday shall occur in those months respectively; but every quarterly meeting, on any such other day, shall be convened in like manner in all respects as special meetings are by this act required to be convened, so as that if no quarterly meeting shall be convened for any such other day, the quarterly meeting shall take place on such third Wednesday, as directed by this act, and without any special notice; special meetings, as often as may be deemed necessary, shall also be convened by the chairman, or, in his absence, or refusal to call a meeting, by any three commissioners, whereof five days' notice, in writing, shall be given to each commissioner by their clerk, specifying the day and hour appointed for such meeting.

Times of meeting.

Rps

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Ninth

Appointment of clerk,
and his salary.

Ninth—The said commissioners, at a special meeting, shall from time to time appoint a fit and proper person to be the clerk to their board, and shall have power to remove any such clerk at their discretion, and such clerk shall be entitled to receive such salary as the board shall see fit, not exceeding thirty pounds *per annum*, by quarterly or monthly payments, on the warrant of the governor.

How orders shall be
made.

Tenth—All orders for payment of accounts for expenditure connected with the highways and bridges in each parish respectively shall be signed by the chairman, and four commissioners, where the board is required to be constituted by seven or by five commissioners; and by two commissioners, in addition to the chairman, where the board may be constituted by three commissioners, and all such orders shall be countersigned by the clerk.

and vacancies filled
up.

Eleventh—In case of the death, absence from the island for a period exceeding three calendar months, or removal from the parish, or resignation of any commissioner, the vacancy thereby occasioned shall be filled up with all convenient speed, but no election shall be made by the justices in special session, unless notice of their intention to meet for the purpose of filling up any such vacancy, shall have been published in the Gazette, by authority, at least seven days before the meeting shall be held: *Provided always*, That if any vacancy shall be occasioned by the appointment of any commissioner to be custos, or by any commissioner becoming the senior resident magistrate, within the meaning of this act, a new appointment or election shall be made in the room of such commissioner.

Duties of commission-
ers.

Twelfth—It shall be the duty of the commissioners of the several parishes :

First—To cause such roads, intended to be used as highways, as shall have been laid out, but not completed or described, and such as shall have been generally used for twenty years, but not recorded, to be fully ascertained, described, and entered of record in the office of the clerk of the peace, in so far as the same may not have been already done.

Second—To divide their respective parishes into road districts, corresponding in extent with the districts named in Schedule A.

Third—To prepare and submit annually to the executive committee, for the purpose of being laid before the legislative council and assembly, returns of the several roads in each of such districts, classifying and distinguishing the same into carriage

carriage roads of the first class, and carriage roads of the second class ; and into bridle roads of the first class, and bridle roads of the second class, and of the number of miles of which each such road shall consist, with the termini of each ; the total amount of expenditure which shall have been laid out on each such road during the year of such return ; the state and condition thereof at the date of such return, whether the same are repairable under contract or not, and, if so, the particulars and duration of any such contract (and the probable amount of expenditure which will be required thereon for the ensuing year), as also statements of the alterations which have been made in the roads and bridges, and the new roads and bridges which have been constructed during the year of such return, and the expenditure incurred in consequence of such alterations, and of such new roads and bridges respectively ; and also of the further alterations recommended of the existing roads and bridges, and the new roads and bridges still required (and the probable expenses thereof, over and above the probable expenditure required to keep the present roads and bridges in repair), such returns to be made up to the thirtieth September preceding the date thereof, and such further returns as may be called for by the executive committee.

Fourth—To allot or apportion at the time, and in proportions, to be ascertained as in this act directed, and where required ; then after taking evidence, as by this act provided in that behalf, the sum or sums of money appropriated to be expended in the repairs and alterations of existing roads, and in the formation of new roads, and in the construction or repair of bridges for the roads and water courses, after reserving thereout a sufficient sum, not less than twenty *per cent. per* quarter on the amount allotted to meet clerk's salary, unforeseen expenses, and for the repairs of unforeseen injuries, occasioned by unexpected and extraordinary floods and accidents to roads and fordings.

Fifth—To cause and authorize the survey of new roads, and to give directions for the repairing of the roads, streets, bridges, highways, and water courses, and for the immediate removal of all nuisances therefrom, and for the prosecution of such offences, against the provisions of this act, as in their opinion ought to be prosecuted, and to direct that all metalled portions of the roads shall not exceed sixteen feet in width, in great thoroughfares, nor less than ten feet in any case.

Sixth—To inspect and audit all accounts which shall from time to time be rendered for expenditure, connected with the

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roads

roads and bridges, and to pass the necessary orders, which shall be signed and countersigned as by this act directed, for payment thereof, by the receiver general, and at least once in each quarter to inspect and audit the accounts of the several waywardens.

Appropriation of funds.

Thirteenth—The commissioners shall, at the first quarterly meeting in the month of January in each year, fix a *per centage* for each district, by which the appropriation of the sum applicable within the year for repairs shall be made for the repairs, maintenance, or formation or construction of roads and bridges as aforesaid; and in every case such *per centage* shall be fixed with reference to the mileages, traffic, existing state of repair, and other circumstances or conditions of the respective roads and bridges, or requirements, exigencies, or claims of the localities in which any new roads and bridges may be required, upon evidence to be taken, where required, as hereinafter provided, or otherwise, then upon the best information the commissioners can obtain.

Evidence to be taken by commissioners previously in certain cases.

Fourteenth—If any two or more householders, or taxpayers to the annual value of two pounds each, shall so require, by written notice to the clerk, at or before the quarterly meeting in the month of January as aforesaid, of which requisition, and the names of the persons making the same, a minute shall be made by the clerk, the commissioners shall, before fixing the said *per centage*, take the evidence of any persons who shall appear before them, and either on oath or otherwise, as the commissioner shall think fit, which oath the chairman is hereby authorized to administer, touching the state of any of the said roads, and all such evidence shall be taken down in writing by the clerk, and upon such evidence, where the same shall have been so required as aforesaid, or otherwise, then upon the best information they can obtain, the commissioners shall fix the *per centage* in manner and with reference to the mileages and other considerations, circumstances, and conditions by this act directed.

Return to be made by collector of dues of taxes collected, &c.

Fifteenth—Every collector of dues shall, within five days after the expiration of each quarter, make a return to the clerk of the commissioners of highways and bridges for his respective parish of the respective sums under the respective heads of taxes and duties collected and transmitted by him to the receiver-general, during the quarter then last expired, and applicable to road expenditure or purposes in such parish; and the clerk shall lay every such return before the commissioners, at their first quarterly or other meeting next after the same shall have been received.

Receiver-general to communicate quarter-

Sixteenth—The receiver-general shall, at the commencement of

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17-1869.

of each quarter of a year, communicate to the clerk of the commissioners of highways and bridges for each parish the sum of money which such commissioners will be entitled to expend and draw for the preceding quarter for road purposes, not being more than one-fourth of the annual revenue of such parish, for the purpose of parochial roads.

ly the amount at disposal of commissioners.

Seventeenth—It shall be lawful for the governor, with the advice of the executive committee, to sanction the commissioners of highways and bridges of any parish, on occasion of extraordinary damage to the parochial roads, or any of them, to draw out of the hands of the receiver-general any sums of money to the extent, if necessary, of the whole sum which shall be at the credit of such commissioners; and the same shall be payable, on the warrant of the governor, to the orders of such commissioners for repairing such extraordinary damage.

The whole sum at disposal of commissioners may be drawn out in certain cases.

Eighteenth—The receiver-general shall annually make up and furnish to the executive committee, for the purpose of being laid before the legislative council and assembly, a statement, shewing the amount of moneys allotted to the several parishes for road purposes, and the amounts of the several orders of the commissioners, drawn upon and paid by him for road purposes in each parish, and the balance, if any, in his hands still applicable to the orders of the said commissioners, which statements shall be made up to the tenth day of October in each year.

Receiver-general to make up annual statement of monies for road purposes.

Nineteenth—It shall be lawful for the commissioners to enter into contracts with any one or more person or persons for repairing, and keeping in repair for one or more years, any roads or bridges, or portions of roads or bridges: *Provided*, That the monies to be payable in any year, under any such contracts, shall not exceed the sum allotted or apportioned to the roads or bridges, or portion of road or bridge, the subject of any such contract, and that such repairs shall be subject to the inspection and approval of the waywardens of the district in which the roads or bridges are, and also of the commissioners: *And provided also*, That it shall not be lawful for the commissioners to lay out or expend, or to direct the expenditure of any greater or larger sum in the whole, upon the roads and bridges of their respective parishes in any one year, than shall have been sanctioned and appropriated for that purpose.

Commissioners may enter into contracts for repairs of roads for one year or more.

Proviso.

Proviso.

Twentieth—The commissioners shall be authorized to cause mile marks of stone, wood, or iron, to be erected on such roads as they may think proper, in their parishes, at the distance of one mile from each other, with such legible inscription as they shall judge necessary; and also to cause guide posts to be erected and kept

cause mile marks to be erected,

kept up at the intersections of such roads as they shall think proper ; and guide posts in water courses, to shew the height of water therein, and to keep in repair all such mile marks and guide posts as have been already erected.

and appoint waywardens.

Twenty-first--The commissioners shall, if they think proper, from time to time appoint as many waywardens as they shall deem necessary, in each district, and every waywarden, so appointed, shall take upon himself and perform the several duties hereby imposed upon him: *Provided*, That every such waywarden shall be resident near, and interested in the condition of the particular road for which he shall be appointed ; and every waywarden, who shall take upon himself such office, and shall neglect to perform the duties thereof, shall be removed, and another shall be appointed in his place.

Duty of waywardens.

Twenty-second—It shall be the duty of the several waywardens in each district—

First—To superintend the repairing and keeping in order the highways, streets, and bridges within the district for which he shall be appointed ; to superintend the performance of all works ordered by the commissioners ; to make disbursements of the monies furnished to them by the commissioners, and to cause the immediate removal of all nuisances from all such highways, streets, and bridges.

Second—To prepare, or cause to be prepared such plans of roads, and estimates of expense of repairs, as may from time to time to be required by the commissioners.

Third—To see that the mile marks and guide posts are kept up and preserved in good order, and also that the guide posts in the water courses are properly marked.

Fourth—To attend all quarterly meetings of the commissioners, and other meetings when required, and take instructions in all matters relating to road affairs from them.

Fifth—To give immediate notice to the clerk to the commissioners of encroachments on the roads or streets, of nuisances, and of all infringements of this act.

Sixth—To prepare and submit to the commissioners his accounts and vouchers once at least in each quarter, and whenever at any other time required by the commissioners.

As to the discontinuance or laying out of a road.

Twenty-third—Any six freeholders in any parish may apply to the commissioners of the parish to alter or discontinue any road,
or

or to lay out a new road, such application to be in writing, addressed to the commissioners, and signed by the persons applying, accompanied by a plan thereof.

Twenty-fourth—Before the commissioners shall come to any determination on any such application, they shall cause notice, in writing, to be given to the occupants and owners of the land through which such proposed alterations or new road are, or is intended to pass; and also to the occupants and owners of the land through which any such road shall then run, of the time and place at which they will meet to decide upon such application, such notice to be served at the expense of the applicants, by delivering the same personally to every such owner or occupant; or, in case of absence, by leaving the same at his dwelling-house at least seven days before the day appointed for such meeting.

Notice to be given.

Twenty-fifth—The commissioners shall meet at the time specified in such notice, and, at such meeting, or an adjournment thereof, shall hear any reasons that may be offered for or against any such application; and if they shall determine to entertain the same, either wholly or in part, they shall make out and subscribe a certificate of such determination, to be deposited with the clerk of the peace; which certificate shall contain, or be accompanied by a plan of the road intended to be altered, and of the intended alterations thereto, or of the road intended to be discontinued, or of the new road intended to be laid out, such plan to be furnished by the applicants; and it shall be the duty of the clerk of the peace to exhibit a copy of such certificate and plan on the door of the court-house of the parish, and to keep the same so exhibited for the space of at least twenty-one days before the day appointed for the meeting of the jury to be summoned as hereinafter directed.

Time of meeting.

Twenty-sixth—Any one [of] the justices who, as a commissioner, shall have signed such certificate to the clerk of the peace, shall also issue his warrant to a policeman or constable of the parish to summon thirteen freeholders or householders of the neighbourhood, paying taxes of any kind to the extent of twenty shillings annually, whether of the same or of any adjoining parish, who shall be able to read and write, not being interested in the lands through which the road proposed to be altered or discontinued shall then run, or in the land through which it is proposed the alterations shall be made, or through which any proposed new road would run, to attend and meet at some convenient place and time therein to be mentioned (being at least twenty-one days after the day on which a copy of the said certificate shall have been exhibited as aforesaid.)

A jury may be summoned.

Twenty-seventh

Proceedings when seven jurors appear.

Twenty-seventh—If seven of such freeholders or householders, so summoned of the parish, or of an adjoining parish, shall appear at the time and place specified in such warrant, they shall there be sworn by any justice then present well and truly to examine the proposed alterations, or the proposed new road, or the road proposed to be discontinued, as the case may require, according to the best of their judgment; and ascertain whether such alterations, or new road, are or is necessary, or will be expedient and useful as a road of public communication, or as a road of private communication to the parties applying, any or either of them, or whether it will be expedient and useful to discontinue such road, as the case may require; and, in the case of a new road, or of any proposed alterations, if it shall appear to them to be so, after they shall have gone over and inspected the same, that they will, according to the best of their skill and judgment, assess the damages to be sustained by the making or alterations of such road, and determine the several matters according to equity and good conscience, without undue bias, partiality, or favor; and the decision of such jury, or of a majority of them, shall be received and certified by the justice by whom they were sworn to the [be] commissioners: *Provided*, That if seven of the jurors, so summoned, shall not appear at the time and place mentioned, the justice present shall proceed to fine each absent juror in a sum not less than twenty shillings, nor more than forty shillings, unless satisfactory reasons can be given for such absence, to be recovered as aftermentioned.

Proviso.

When a jury cannot be formed, &c.

Twenty-eighth—In case any such jury cannot be formed from non-attendance of a sufficient number of persons summoned, or from any other cause, another warrant may be issued, and another day fixed, and so on, until a jury is formed as beforementioned: *Provided*, That the clerk of the peace shall put up and exhibit, on the door of the court-house, at least seven days' notice of the day appointed for such further meeting.

Proviso.

Duty of jurors.

Twenty-ninth—The seven freeholders or householders who shall appear and be sworn, shall personally examine the route of such highway; and, if so satisfied, shall find, by their verdict, that such alteration of any existing road is, in their opinion, necessary and proper, or that such new road is, in their opinion, necessary and proper, or that in their opinion such road ought to be discontinued, and shall assess the damages to be sustained by the making or alteration of any road, and shall make and subscribe a certificate to such effect, which shall also be subscribed by the justice by whom they were sworn, and delivered to the commissioners.

Thirtieth

Thirtieth—It shall be lawful for the commissioners, and the owners and occupiers of the land through which any new road, or any alteration shall pass, to agree upon the amount of damage to be sustained, and for a release of all claim to damage from such owners and occupiers, and thereupon the said jury shall not be sworn to assess, nor shall they assess any damages, to be sustained by the making of any such new road, or of any alterations of any existing road, the subject of any such agreement; and no new road, or alteration of any existing road, shall be opened, or worked, or used, until such damages shall have been paid or tendered, except with the sanction of the owner of the soil; and every agreement and release shall be filed and recorded in the office of the clerk of the peace, and every such agreement and release, or assessment of damages shall for ever preclude such owners or occupiers from all further claim for damages: *Provided*, That in case of the absence of the owner, or his representative, or where the owner shall not be known, the damages shall be paid to the receiver-general, to be kept by him, without being subject to any interest until claimed by the party entitled thereto.

Agreement as to damages for passing through lands.

Rps

Proviso.

Thirty-first—When any person shall be the owner of any land over which any new road shall be made, or any alteration of any existing road shall be made, and also of the soil of any portions of the road proposed to be altered, or of any road which shall be discontinued in whole or in part, in consequence of the laying out of such new road, or of such alterations, the jury, who shall assess the damages, shall take into consideration the value of the road so abandoned, or of such part of the road as will be abandoned in consequence of such alterations to such owner, and the benefit to result to him therefrom, and shall deduct the same from the damages which otherwise would have been assessed, and it shall be lawful for the owner of the land, so abandoned, to enclose the same.

Jury to take into consideration value of road abandoned, in case of a new road.

Rps

Thirty-second—All damages which shall have been ascertained and fixed by agreement, or which shall have been awarded as aforesaid, shall be paid out of the funds from time to time to be allotted and appropriated for the purposes of the highways of the parish: *Provided always*, That nothing herein contained shall be construed to sanction or authorize the commencement of the alteration of any road, or the laying out of any new road, or the expenditure of any money therefor, or for the payment of any such damages, until funds shall have been allotted and appropriated for such purpose by the legislature.

Damages how payable

Proviso.

Rps

Thirty-third—If the commissioners of any adjoining parish shall, at any time before a jury shall be empanelled and sworn, give notice, in writing, to the commissioners of the parish in which

Where commissioners of an adjoining parish shall object to alteration, &c. of a road.

Rps

G g

proceedings

R.P.

proceedings shall be pending for the alteration of any existing road, or the laying out of any new road, or the discontinuance of any road, that the proposed alteration, or new road, or discontinuance will prejudicially affect the roads of such adjoining parish it shall not be lawful for the commissioners of the parish in which such proceedings shall have commenced to proceed further therewith, until the commissioners of the adjoining parish shall withdraw their opposition, and consent to the further continuance of the pending proceedings, and in the event of their not doing so, that the executive committee, on reference to them, shall decide whether the proposed alteration, or new road, or discontinuance shall take place.

Private roads.

Thirty-fourth—Whenever application shall be made to the commissioners for any private road, and they shall be of opinion that such application is reasonable and well-founded, the same mode of proceeding shall be adopted in every respect as in the case of a public highway, but the damages awarded, and the expenses of such road, and the maintenance thereof, shall be paid by the party applying for the road.

Use of private road.

Thirty-fifth—Every such private road, when so laid out, shall be for the use of the applicant, his heirs and assigns, but not to be converted to any other use or purpose than that of a road; and such applicant shall be compelled to keep up and maintain fit and proper fences on each side of such road.

Any person may appeal against determination of commissioners.

Thirty-sixth—Every person who shall conceive himself aggrieved by any refusal of the commissioners to entertain any application to alter or discontinue any existing road, or to lay out any new road, or by any determination of the commissioners to entertain such application, or the finding of the jury consequent thereon, may, at any time within sixty days after such refusal, or finding, appeal to the judge of the circuit court of the precinct in which such road shall be situate, or be proposed to be laid out, but an appeal by one person, and a decision thereon, shall not conclude or affect the rights of any other person who shall appeal within the limited time, and shall not have been heard on his appeal.

Time of hearing same.

Thirty-seventh—No such appeal shall be heard until after the time limited for appealing, nor shall the judge of the circuit court pronounce any judgment upon any such appeal until he shall have heard all the appeals which shall be pending against any such adjudication of refusal, or adjudication and finding, and, after the hearing of all such appeals, the judge of the circuit court shall pronounce one judgment embracing the whole subject of the several appeals which may have been made to him.

Thirty-eighth

- *Thirty-eighth*—Every such appeal shall be in the form of a petition, addressed to the said appellate judge, and shall be signed by the party appealing, or his agent, and shall briefly state the grounds upon which it is made, and whether it is brought to reverse entirely the determination of the commissioners, or only to reverse a part thereof; and, in this latter case, it shall specify what part, and notice of such appeal, and of the time when the same will be heard, shall be given to the commissioners, and at least one of the persons who appeared and opposed the same before them, when the determination appealed from was against an application for making out, altering, or discontinuing a road, sanctioned by the commissioners; and in case the same shall be an appeal from the determination of the commissioners, and a finding of the jury thereon, then notice shall be also given to one or more of the applicants, and every such notice shall be served at least thirty days before the day appointed for the hearing thereof on one of the commissioners, either personally or by leaving the same at his dwelling house, and the service on any applicant shall be in like manner. Form of appeal.

- *Thirty-ninth*—The appellate judge shall have power to compel the attendance of witnesses, and examine them upon oath, or solemn affirmation, and from time to time to adjourn the hearing of any such appeal; and his decision, when made, shall be reduced to writing, and signed by him, and shall be conclusive in the premises, and shall be recorded in the office of the clerk of the peace. Power of appellate judge.

- *Fortieth*—Whenever the determination of the commissioners to alter any existing road, or to lay out any new road, and the finding of the jury consequent thereon shall have been confirmed on appeal, or the time for appealing shall have expired without any appeal therefrom, and after the same shall have received the sanction of the legislature, by the grant of monies to carry out and complete the same, it shall be lawful for the commissioners to give to the owner or occupant of any enclosed, cultivated, or improved land through which such intended alterations, or new road will pass, ninety days' notice, in writing, of their intention to open and work the road, so as to enable such owner or occupant to remove his fences, and erect such new fences as he may think necessary; and it shall not be lawful for the commissioners to commence to open or work such alterations, or new road, until the expiration of such notice, without the consent of such owner or occupant, nor until the damages awarded by the jury shall have been first paid or tendered, and the same shall have received the sanction of the legislature as aforesaid, under a penalty of fifty pounds upon each commissioner who shall assent to the opening Notice must be given to owner of enclosed or cultivated land of intention to open road through same.

or working of any such alteration, or new road, to be recovered in an action of debt by each person aggrieved: *Provided*, That nothing herein contained shall subject any commissioner to any penalty for any temporary alterations or deviations rendered necessary in consequence of any temporary injury or accident to any highway.

Fees of clerk of the peace.

Forty-first— Each clerk of the peace shall be entitled to demand and be paid, by the party or parties at whose instance application shall be made for laying out, altering, or discontinuing any road—

To drawing out the necessary proceedings, and attending the jury	£1 1 0
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For each mile he shall be required to travel, to be reckoned from the court house	0 1 0
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For recording all proceedings under this act, for every 160 words	0 1 0
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For making attested copy of the proceedings which may be required to be recorded in any other parish, or for any other purpose, for every 160 words	0 1 0
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And no other fees shall be demanded or received by any clerk of the peace, except in cases of appeal, when he shall be entitled to the like fees as are payable in cases of appeal from summary adjudications by justices of the peace.

A road not worked for ten years to cease to be such road.

Forty-second— Every public highway already laid out, that shall not have been opened and worked at the public or parochial expense within ten years from the time of its having been so laid out, and every highway hereafter to be laid out that shall not be opened and worked by means of funds authorized by the legislature within the like period, shall cease to be a road for any purpose whatever, unless the same shall have been or shall be worked and kept in repair by any private person or persons using any such road, in which case such person or persons, and his and their heirs and assigns continuing to repair the same, shall be entitled to continue to use the same by himself, his servants, carriages, and horses, and stock, in the same manner as he or they had usually previously used the same.

Public highways.

Forty-third — All public highways now in use, laid out under and allowed by any law of this island, of which a record shall have been made in the office of the clerk of the peace, shall be deemed public highways, and shall only be altered or discontinued by proceedings

ceedings taken in conformity with the provisions of this act, unless the same shall not be worked for the period hereinbefore mentioned.

Forty fourth—On application of six freeholders of any parish, in writing, to any justice of the peace of the parish, stating that they intend to lay the plan of a new road, or alterations and improvements of any road of the parish, before the board of commissioners, he shall grant a warrant to authorize the person employed by them to enter on all lands and properties, to take the levels, and make the necessary traverses and surveys, to enable him to make the plans and sections of the said new road, or alterations of any road in the parish; and any person or persons obstructing such survey shall be liable to a fine not exceeding five pounds, on being convicted thereof before any two justices of the peace of the parish.

Authority to enter on lands to take levels, &c. in case of new roads.

Forty fifth—Whenever any carriage road on which a turnpike or toll gate is erected, and money collected and taken thereat, shall be required to be altered and turned under the authority of this act, it shall be lawful for the commissioners, and they are hereby required to employ a competent person to measure the length of the road subject to such toll, and to ascertain the gradients thereof, and to have plans and sections made of the proposed alterations and improvements, and an estimate of the cost thereof, and the person employed as aforesaid shall be paid out of the road funds of the parish for his services on every such requisition.

In case of alteration of turnpike roads length, gradients, &c. must be taken, &c.

Forty sixth—It shall be lawful for the commissioners of highways and bridges of any parish in this island, whenever they shall be about to alter or repair any road or bridge under their superintendence, to apply to the governor, and executive committee, for authority to require the services of the civil engineer of the county in which such road or bridges is situate, and such civil engineer is hereby authorized, and required, and directed, on such authority being obtained, to prepare and furnish such plans, specifications, and estimates, and to give such supervision and examination; and, in all respects to do and perform such duties for such commissioners to and in respect of such roads and bridges as are by any act now or hereafter to be in force relating to main roads required to be done and performed by the civil engineer to and in respect of any main roads or bridges.

How the services of the civil engineer of the county may be obtained.

Forty ninth—The width of all public carriage roads already made, or which hereafter may be laid out by the commissioners, shall,

Width of public carriage roads,

* Error by the council's deleting two sections.—PRINTER AND PUBLISHER.

shall, if practicable, be twenty-four feet when made through open ground, sixty feet through standing wood, and forty feet when the wood is only on one side, and no private road shall be more than forty feet wide.

and of streets.

Fiftieth—All streets, to be hereafter laid out by the commissioners in any town, shall be not less than forty feet wide, and all lanes not less than twenty feet wide.

Roads may be opened to such width.

Fifty-first—The commissioners shall have power, if they think fit, to order the waywardens of any district to open all carriage roads to the width hereinbefore mentioned, which shall have been used as public highways for twenty years.

Encroachments on roads may be removed.

Fifty-second—In every case when a highway shall have been encroached upon by fences erected thereon, the commissioners shall, if in their opinion it shall be necessary, order such fences to be removed, so that such highway may be of the breadth hereinbefore enacted, at the cost of the party who shall have made such encroachment, or of any person claiming under him, provided the commissioners shall give notice, in writing, to the party who shall have made such encroachment, or any person claiming under him, to remove such fences forthwith; and every such notice shall specify the legal breadth of the road, the extent of the encroachment, and the place or places where the same shall exist.

Penalty on persons not removing encroachments.

Fifty-third—If the party who shall have made such encroachment, or any person claiming under him, shall not remove the same within fourteen days after the service of such notice, he shall forfeit the sum of five shillings for every day after the expiration of such notice during which such fences shall continue unremoved, or until the same shall be removed by order of the commissioners, besides the expenses of removal, to be recovered as penalties imposed by this act are directed to be recovered.

Trees which shall fall on roads must be removed.

Fifty-fourth—If any tree shall fall into any highway, so as to cause obstruction thereon, such tree shall be removed by the owner or occupier of the land from which such tree shall have fallen, within twenty-four hours after notice to remove the same; and, if such owner or occupier shall neglect to remove such fallen tree, then any waywarden or commissioner of the district shall cause the same to be removed at the expense of such owner or occupier, and such owner or occupier shall be liable to a penalty of five shillings for every day after the expiration of such notice, during which the same shall have remained unremoved, such penalty and expenses to be recovered or [as] other penalties are herein directed to be recovered; and if any person shall wilfully place any tree, or other

other obstruction on any highway, he shall be liable to a penalty not exceeding five pounds for every offence.

Fifty-fifth—In case any person shall cut down any tree on land not occupied by him, so that it shall fall into any highway, river, or stream, unless by the order or consent of the owner or occupant, he shall be liable to a penalty not exceeding five pounds, nor less than one pound, for each offence.

Penalty on person cutting down a tree which shall fall on a road,

Fifty-sixth—Whoever shall cut, or cause to be cut down, any tree, so that the same shall fall into any river, stream, or water-course, or obstruct any road, or fording, or divert the river course so as to encroach upon or injure, or tend to injure any public highway, or any bridge, and shall not remove the same out of such river, stream, or water course within twenty-four hours after notice thereof, shall forfeit a sum not exceeding five pounds for each offence.

or in a river.

Fifty-seventh—The owner or occupier, or his agent, attorney, or overseer respectively of the land next adjoining to every road or bridge shall cut, prune, or lop the fences, and also cut, prune, or lop the branches of trees, bushes, or shrubs growing in or near such fences of the land adjoining as aforesaid (such fences, trees, or shrubs not being in any garden, or orchard, walk, or avenue to any house, nor any tree, bush, or shrub, being an ornament or shelter to a house, unless the same shall hang over the road or bridge, or any part thereof, so as to impede or annoy any carriage or person travelling thereon), in such manner that the road or bridge shall not be prejudiced by the shade thereof, and that the sun and wind may not be excluded from such road or bridge to the damage thereof; and if any such owner or occupier, his agent, attorney, or overseer, shall not, within fourteen days after notice given, in writing, for that purpose by any commissioner, waywarden, or other person, thereunto authorized for the time being for any parish respectively, cut, prune, and lop, or cause to be cut, pruned, or lopped such fences, or cut down or lop, or cause to be cut down or lopped such trees, branches of trees, bushes, and shrubs in manner aforesaid, the waywarden, or other person appointed, or to be appointed as aforesaid, in case of default by any owner or occupier, his agent, attorney, or overseer as aforesaid, is hereby required to cause to be cut, pruned, or lopped such fences, trees, branches of trees, bushes, and shrubs in manner aforesaid; and such owner or occupier, his agent, attorney, or overseer shall be charged with, and pay the charges and expenses of doing the same; and, in default of payment thereof, the said charges and expenses may be recovered, together with the costs, if any, incurred on the proceeding, as any penalty under this act:

Owners of lands adjoining a road must lop fences, trees, &c. overhanging such road.

Provided,

Proviso.

Provided, That nothing herein contained shall apply to roads passing through unfenced runs of woodland.

No swinging gate to be allowed on any road.

Proviso.

Fifty-eighth—No swinging or other gates shall be allowed on any public highway, laid out since the twenty-eighth February, one thousand eight hundred and fifty-four, or to be hereafter laid out, unless a written permission to erect such gates shall have been previously obtained from the commissioners: *Provided*, That no-

Proviso.

thing in this act shall be construed to give or recognize any right to erect any such gates, or to interfere with any rights now enjoyed or possessed by any parties who have erected, or have the right to erect gates on roads running through their lands: *Provided also*, That nothing herein contained shall authorize the commissioners to grant any permission to erect any gate across any post road.

Penalty on persons injuring a bridge.

Fifty-ninth—Whoever shall wantonly injure any bridge, being a highway, within the meaning of this act, shall, for every offence, forfeit a sum not exceeding sixty pounds, nor less than twenty pounds, or be subject to imprisonment, with or without hard labor, for a period not exceeding ninety days, nor less than thirty days.

Waywardens may cut drains on, and dig and carry away materials from any lands under certain conditions.

Sixtieth—It shall be lawful for the waywardens, or other persons employed in conducting and superintending the repairs of any road, street, or bridge, or of any private road annually repaired at private expense, and kept open for the use of the public, to cut drains on lands adjoining any road, for the purpose of carrying off the water collected on such road, and to dig and carry away any gravel, stone, sand, or other materials out of any savannah, unenclosed or open land, river, or gully, being waste land, in or near such road, street, or bridge, as shall be proper for draining, repairing, and amending the same, without paying anything for the same, such waywardens or other persons levelling, or causing to be levelled all holes and pits where any such materials shall be dug, and from whence the same shall be carried away; and, where there is not sufficient of such materials to be conveniently obtained from any savannah, waste, and unenclosed or open lands, rivers, or gullies in the neighbourhood, it shall be lawful for such waywardens, and the person or persons so employed as aforesaid, by order of the commissioners, to cut drains, and to dig and carry away any gravel, stone, sand, or other materials out of the grounds or enclosures of any person or persons (not being the ground whereon [on] any house stands, garden, or yard, planted walk, or avenue to any house, or any parcel of provision ground), wherein such drain may be necessary for keeping the road in good order, or whereon any such materials are or may be found, and, from time to time to carry so much thereof as the waywardens, or person

son or persons so employed, shall judge requisite for draining or keeping in repair and amending such road, street, or bridge, paying such rates for such materials, and for the damage done to the owners and occupiers respectively of the grounds where and whence the same shall be dug and carried away, or over which the same shall be carried, as the commissioners shall judge reasonable; and if any person shall molest, hinder, or obstruct the waywardens, or any person so employed, or the persons under his or their command, in cutting any drains, or in digging and carrying away any gravel, stone, sand, or other materials as aforesaid, every person, so offending, shall, for every such offence, forfeit a sum not exceeding ten pounds.

Sixty-first—If any person shall, without the consent of the waywardens or commissioners, take away any materials which shall have been purchased, or gathered for the repair or use of any road, street, or bridge, or any materials out of any quarry or pit which shall have been made, dug, or opened for the purpose of getting materials for any road, street, or bridge, without the permission of the said waywardens, or commissioners, every person, so offending, shall, for every such offence, forfeit and pay any sum not exceeding ten pounds: *Provided*, That nothing herein shall prevent the person in possession of the land on which such quarry or pit is situate from digging and removing materials thereout for his own use.

Penalty on any person who shall take away any materials gathered for repair of any road, &c.

Proviso.

Sixty-second—If any corporation, society, or company for supplying any city, town, or other place with water, shall dig, or cause to be dug, in any road, street, lane, or thoroughfare, any trenches or holes for laying down or repairing any water pipe, or plug, or other thing connected therewith, and shall keep, or cause or permit the same to be kept open for a longer period than shall be reasonably requisite or necessary, or shall cover over, or fill up, or cause or permit the same to be covered over, or filled up, in an imperfect manner, or shall occasion, or suffer, or permit to be occasioned, any damage or injury to any road, street, lane, or thoroughfare, by reason of the imperfect state or want of repairs of any such pipe, or plug, or other thing connected therewith, every such corporation, society, or company shall, for every such offence, forfeit not more than twenty pounds, nor less than five pounds, over and above the expenses to be incurred in the repairs of such road, street, lane, or thoroughfare, to be recovered as hereinafter mentioned.

Penalty on any water company who shall dig trenches, &c. on any road,

Sixty-third—Any person shall be liable to a penalty not exceeding ten pounds for every commission of any of the following offences:

and on every person who shall commit certain offences,

H h

First

First—Every person who shall remove, destroy, injure, or deface any mile mark, erected on any highway.

Second—Every person who shall injure, or deface any description affixed to any guide post, erected on any highway, or destroy or injure such guide post, or any guide post erected in any water course.

Third—Every person who shall injure any highway, by obstructing or diverting any creek, water course, or sluice, or by drawing logs, stones, or things of weight on the surface of any road, or bridge, otherwise than upon wheeled carriages.

Fourth—Every person who shall obstruct any highway, or shall fill up, or place any obstruction in any water course, or ditch constructed for passing water across, or under, or for draining the water from any highway.

Fifth—Every person who shall ride, drive, lead, or draw any animal, or vehicle, upon any foot path, or causeway made for the use or accommodation of foot passengers, or shall wilfully do, or cause any injury to be done to the same.

Sixth—Every person who shall use any drag, joggle, or other instrument, for the purpose of retarding the descent of any wheel carriage down any hill, in such manner as unnecessarily and wilfully to destroy or injure the surface of any highway.

Seventh—Every person who shall, upon any highway, or the side thereof, kill, slaughter, burn, dress, or cut up any beast, swine, calf, lamb, or other cattle, except any horned stock injured in the carriage of produce or otherwise, which, in such case, may be slaughtered and removed.

Eighth—Every person who shall deposit any dead carcass, or any rubbish, on any road or place adjacent thereto, to the annoyance of persons using such road, or in towns, depositing the same in any other place than such one appointed by the commissioners, or other competent authority.

Ninth—Every person who shall leave any wagon, or other wheel carriage upon any street or highway, or on the side thereof, without any proper person in the custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident (or in cases of accident for a longer time than may be necessary to remove the same), or shall not place such wagon or other wheeled carriage with or without beasts of draft harnessed or yoked thereto during the time of loading or unloading the same, as near to one side of the street or highway as possible.

Tenth

Tenth—Every person who shall make any hedge or other fence at the side of any street or highway in such manner as to reduce or limit the breadth thereof below the respective limit prescribed by this act.

Eleventh—Every person who shall deposit any loose earth, sand, brick, or rubbish against any wall, or excavation for a foundation wall, or fence, piazza, or bridge in any street, highway, or road, or create, or cause any nuisance on any road, street, or thoroughfare, and who shall refuse or neglect to remove the same, after having been required to do so by the commissioners, or a waywarden of any district.

Twelfth—Every person who shall use or carry any lighted fire stick or torch on or about any road, street, lane, path, or thoroughfare, whether public or private.

Thirteenth—Any person who shall drive any horse, gelding, mare, filly, mule, or donkey loaded or unloaded along any mountain bridle road, and shall neglect to lead such horse, gelding, mare, filly, mule, or donkey on passing any traveller riding.

Fourteenth—Every person who shall allow any swine to be at large on any highway.

Sixty-fourth—That it shall be lawful for any commissioner or waywarden on any highway to destroy, or cause to be destroyed any swine found at large on any such highway.

Swine may be destroyed.

Sixty-fifth—No person shall make or erect any wall or building upon or near to any street or highway in such manner as to reduce or limit the breadth thereof, under a penalty not exceeding sixty pounds, not [*nor*] less than twenty pounds: *Provided*, The commissioners shall be, and are hereby authorized and required to remove such wall or building forthwith.

Penalty on any person encroaching on any street.

Proviso.

Sixty-sixth—The commissioners of highways and bridges for the parish of Saint Elizabeth are hereby authorized and required, out of the funds now or at any time at their disposal for the maintenance of the parochial highways, to provide for the cleaning, clearing, and keeping navigable the Black-River, in the said parish, and all the powers and rules under this act vested and charged upon the commissioners, waywardens, or other officers, or persons to be employed or authorized by them, and all penalties, liabilities, and other obligations imposed by this act, in respect to any roads or bridges, shall or may be exercised, and are hereby imposed or charged, and may be enforced, so far as the same shall be applicable in respect to the said Black-River, for the purpose of cleaning, clearing, and keeping navigable the same.

Commissioners to provide for cleaning of the Black River, in Saint Elizabeth.

H h 2

Sixty-seventh

Penalty on persons
throwing earth, &c.
into said river.

Sixty-seventh—Whosoever shall wilfully fell any trees, or cast, or cause the same to be cast, or any cane trash, or earth, or other matter or thing whatsoever into the Black-River, whereby the navigation thereof may be stopped or impeded, shall forfeit and pay the sum of sixty pounds, one half thereof to be paid into the hands of the receiver-general to the credit of the commissioners of the said parish, to be expended in the cleaning, clearing, and keeping navigable of the said river, in such manner as the commissioners of highways and bridges for the parish of Saint Elizabeth may direct, and the other moiety to the informer or person suing for the same.

Turnpikes may be
maintained, &c. or
discontinued.

Sixty-eighth—It shall be lawful for the commissioners to maintain such of the turnpike gates as have already been erected upon any roads in their respective parishes, and also to erect and maintain such new and additional turnpikes as they shall consider necessary, and, in their discretion, to discontinue any turnpike gate now or hereafter to be erected; and they are hereby required to lease out such toll gates for the most money that can be had and gotten for the same, for any term not exceeding two years: *Provided*, That nothing herein contained shall prevent the commissioners from appointing, or continuing to appoint one or more collector or collectors for a period not to exceed in the whole one year, to collect the tolls at each turnpike, so as to enable the commissioners to ascertain, as far as may be practicable, the actual value *per annum* of each toll gate, before leasing the same; nor from continuing thereafter to collect the tolls for the use of the commissioners, until they shall be able to receive and accept an advantageous offer to lease any such turnpike gate or gates; or, if they shall deem it advantageous at any time or times after any lease of any toll gate shall have expired, it shall be lawful for the said commissioners, before entering into a new lease thereof, to appoint a collector or collectors thereat for such period not exceeding six months, for the purpose of ascertaining the then probable value of such toll gate.

They must be leased.

Tolls may be com-
pounded for.

Sixty ninth - The commissioners of every turnpike road may, and they are hereby empowered, from time to time, as they shall see convenient, to compound and agree for any term not exceeding one year at any one time with any person for the tolls payable for any horses, cattle, or beasts, or carriages passing through any of the turnpikes or toll gates of the road under their care and management, and collected and taken under the authority of the particular act or acts, in execution of which the commissioners making such composition shall act.

Sepentist

Seventieth—It shall be lawful for the commissioners of any parish to make or repair, out of the tolls collected in such parish, any road in any adjoining parish connecting the two parishes: *Provided*, That the extent of road to be made or repaired shall not exceed four miles.

Road in parish may be repaired with toll monies collected in an adjoining parish.

Proviso.

Seventy-first—The lessee of any toll shall pay the rent thereof by equal monthly payments to the receiver general, and if any such lessee shall neglect or refuse to pay over the same for the space of seven days after the last day of any calendar month, he shall, for every day such moneys shall remain unpaid beyond such period, forfeit the sum of forty shillings.

Lessees of tolls must pay rent monthly.

Seventy-second—It shall not be lawful for the commissioners of roads and bridges for any parish to apply or expend any portion of the toll moneys paid to the receiver-general, and applicable to their order as commissioners, upon any road other than the road on account of which the said toll moneys have been levied and raised, under a penalty of five pounds on each commissioner, who shall be present and vote for the same.

Toll monies received on one road may not be expended on another.

Seventy-third—If any person, appointed to collect and gather in the tolls, in the absence of any lease thereof, shall refuse or neglect to collect such toll, or to account to the commissioners for, or to pay over to the receiver-general any monies collected and received by him, once in every month, or oftener, if required, every such person shall, for every offence, forfeit a sum not exceeding twenty pounds, and be liable to be dismissed from his employment of toll collector by the commissioners.

Penalty on persons refusing to collect toll dues, or account for same.

Seventy-fourth—Upon the death, incapacity, refusal, neglect, or absconding of any collector or lessee of tolls, any three commissioners, though not assembled at any meeting, by writing, under their respective hands, shall and may nominate and appoint a proper person in his place to continue until the then next meeting of the commissioners, in the stead of such collector or lessee as shall so die, become incapable, refuse, neglect, or abscond; which person, so nominated and appointed, shall have the like power and authority, and be answerable and accountable in the same manner in all respects as a collector of tolls; and if any collector or lessee, who shall be discharged from his office by the said commissioners, or the wife, or widow, or any of the children, family, or representatives of any collector, or lessee, who shall die, abscond, refuse, or neglect to perform the duty, or be discharged, or any other person having the possession of any toll-house or building shall neglect or refuse to deliver up such possession for the space of three days after demand thereof made, and notice, in writing, given for that purpose

Three commissioners may appoint a collector in certain cases.

Proceedings in case of persons refusing to deliver up toll house, &c.

purpose by any three of such commissioners, or by their clerk, then, and in any of the said cases, it shall be lawful for any two justices of the peace of the parish where such toll house or building shall be situate, by warrant under their hands to order any policeman, constable, or other peace officer for the same parish, with such assistance as shall be necessary, to enter such house or building in the day time, and to remove the person or persons who shall be found therein, together with her, his, or their goods out of the same, and to put the said commissioners, or any of their officers, in the possession thereof.

Sites for toll houses
and gates may be pur-
chased,

or taken possession of
upon payment of £10.

Seventy-fifth—It shall be lawful for the commissioners to agree with the owner or owners of any land in the neighbourhood of any road whereon they shall deem it expedient to erect any toll gate, for the purchase of land whereon to erect the same, not exceeding in any case one quarter of an acre of land for any such toll-house and gate, for such price or prices as they shall agree upon, and to erect, or cause to be erected thereon a toll-house and toll gates; or, in case the said commissioners shall be unable to agree with any such owner or owners of land for the price thereof, then the said commissioners shall be entitled to enter upon and take possession of, and hold, and demand, and receive a title and conveyance of any such parcel of land, not exceeding such quantity of one quarter of an acre of land, upon payment or tender of the sum of ten pounds to any owner, or part owner of such land, on behalf of himself and other the person or persons interested therein, and any grant or conveyance from any such owner, or part owner, on behalf of himself and other the person or persons interested therein, to the commissioners, shall be valid and conclusive against all other persons having estates or interest, whether in possession, reversion, or contingency, in or mortgages, liens, or charges upon any such lands, to vest the fee simple and inheritance of the said lands in the said commissioners, for the purposes of this act.

Commissioners of ad-
joining parishes may
agree to erect one toll
gate.

Seventy-sixth—It shall be lawful for the commissioners of any adjoining parishes, instead of erecting toll gates, within their respective parishes, to agree for the erection of a turnpike gate in one only of such parishes, and to share the toll moneys or rent to be collected or received at or for such turnpike gate, after defraying the expenses thereof in such proportion as may be mutually agreed upon between or among the respective parishes; and if any difference shall arise among the respective commissioners, it shall be lawful for the executive committee, at the request of the commissioners of any parish interested, to settle and adjust such differences, by fixing and awarding in what proportions the said respective parishes shall share in the profits to be derived from such toll gate; and every such turnpike gate shall be under the joint control, management,

nagement, and superintendence of the commissioners of the parishes interested in the tolls, but the title to the lands wherein the same shall be erected shall be taken in the name of, and shall be vested in, the commissioners of the parish in which it shall be situate.

Seventy-seventh—The estate and property in the toll gates and toll houses erected, or to be erected under the authority of this or any previous act, shall be, and are hereby vested in the commissioners for the time being of the parish wherein the same are or shall be situated, and in all proceedings, civil or criminal, it shall be sufficient to describe them as the property of the commissioners of highways and bridges for the parish of (naming the parish).

Property in a toll gate vested in commissioners of the parish in which such gate is situate.

Seventy-eighth—If any person shall pull down, destroy, or damage any turnpike, toll gate, style, or toll house, he shall be guilty of a misdemeanour, and, on conviction thereof in any court of record, shall be liable to any fine not exceeding twenty pounds, or imprisonment with or without hard labour, not exceeding six months.

Penalty on a person injuring any toll gate.

Seventy-ninth—The commissioners shall have power to fix the amount of toll to be paid at each such gate, provided the same shall not exceed the rate hereinafter mentioned; that is say,

Maximum rate of toll leviable at any gate.

On every wheel of a carriage, chaise, or gig,			
the sum of	...	...	£0 0 2

On every wheel of a dray or cart, the sum of			
			0 0 3

On every wagon (the tire of its wheels being of the width of six inches), including the cattle drawing the same, the sum of	...		
			0 3 0

On every wagon (the tire of its wheels being of a less width than six inches), including the cattle drawing the same, the sum of			
			0 4 0

On every wain or cattle cart (the tire of its wheels being of the width of four inches), and including the cattle drawing the same, the sum of			
			0 1 0

On every wain, or cattle cart (the tire of its wheels being of less a width than four inches), including the cattle drawing the same, the sum of	..	...	
			0 2 0

On every horse, gelding, mare, mule, or ass, the sum of	..	...	
			0 0 6

On every head of horned stock, the sum of			
			0 0 1½

On

On every sheep, goat, or pig, save and except when carried in any vehicle, or on any animal which shall be chargeable with toll under this act, the sum of ...

0 0 1½

On every foot passenger who shall cross any bridge over any river or stream of water, the sum of ...

0 0 1

Rates may be reduced or increased.

Eightieth—The commissioners may, from time to time, increase or lower the rates of toll payable at any turnpike gate or gates, not exceeding the maximum rates hereby allowed.

Must be painted on a board at each gate.

Eighty-first—The commissioners shall furnish to the toll keeper at each turnpike gate a board, with the rates of tolls from time to time payable thereat, and the names of the chairman and two other commissioners painted thereon, in legible letters, to be by such toll keeper affixed and placed in a conspicuous situation, on or near to the toll house, for the guidance of the public.

Payment of toll at one gate to entitle person to pass through other gates within ten miles.

Eighty-second—Payment of toll at any one turnpike gate shall entitle the owners of any animals and vehicles for which the same shall be paid, to be passed during the same day, both going and returning through any other turnpike gate or gates erected or to be erected within ten miles distance thereof, and the person paying toll at the gate through which he shall first pass, shall, on demand, receive a ticket or pass, entitling the animals or vehicles, in respect of which toll shall have been paid as aforesaid, to pass and repass during the same day through any other toll gate or gates within ten miles distance thereof: *Provided*, That nothing herein shall be construed to exempt any person from the payment of toll, in respect of any bridge, the moneys for the erection whereof shall have been borrowed, to be repaid by means of such tolls, so long as such moneys, or any portion thereof, shall remain unpaid, by reason of the payment of toll at any other gate within ten miles thereof.

Proviso as to bridges.

Payment of one toll to entitle person to pass during the day.

Eighty-third—No animal, or wheeled vehicle, or person, shall be chargeable to toll within the limits aforesaid, more than once in each day of twenty-four hours, reckoning from midnight to midnight of each day, except at any such bridge as aforesaid, nor shall be chargeable at any such bridge more than once within the period aforesaid; and no vehicle, or animal, or person liable to toll, shall be permitted to pass through any toll gate (except as hereinbefore mentioned), without payment of toll, according to the rates from time to time determined upon by the commissioners.

Eighty-fourth

Eighty-fourth—If any person occupying any lands or tenements near to any turnpike gate shall knowingly or wilfully suffer any other person to pass through any gate, passage, or way with any vehicle or animal liable to toll, or if any person shall wilfully pass through any such gate, passage, or way with any vehicle or animal liable to toll, whereby the payment of any toll or duty shall be fraudulently avoided, every person, so offending, shall forfeit a sum not exceeding ten pounds.

Penalty on person evading, or permitting the evasion of payment of toll dues.

Eighty-fifth—The several commissioners, waywardens, county engineers, and surveyors of public works, when in the actual discharge of the duties of their office, and the horses, mules, cattle, and carts, and other vehicles of the several contractors, and other persons employed in the repairs of roads, during the time they are actually employed in such repairs, shall be exempted from the payment of tolls.

Exemptions from payment of toll dues by commissioners, &c.

Eighty-sixth—All officers and troops in her majesty's service, being on duty, and in uniform, and all policemen on duty, and all vehicles and animals carrying military stores, supplies, or baggage, or her majesty's mails, shall be exempted from the payment of any tolls or duties, as well at bridges, the tolls of which are pledged for moneys borrowed to erect the same, as elsewhere.

and of troops in her majesty's service.

Eighty-seventh—The commissioners shall, once at least in every six months, appoint one or more person or persons to ascertain, as far as practicable, the amount of traffic upon the several roads on which turnpikes shall have been established, and to remunerate every such person out of the moneys allotted or apportioned for the repairs of the roads; and it shall be the duty of such persons to ascertain and report to the said commissioners the number and description of animals, vehicles, and passengers which, or who shall have been chargeable to tolls at each of the turnpike gates at which such persons shall have been directed to ascertain the traffic, for the space of at least one week, and such persons shall be entitled, during the period they shall have been directed to ascertain such traffic, to the use of the respective toll houses, and to have access to the books of the several toll collectors or lessees, and to take extracts therefrom for the purpose of assisting them in their enquiries.

Amount of traffic on roads to be ascertained half yearly.

Eighty eighth—No deed, contract, or agreement, nor any proceeding, to be executed or entered into, or taken by or with the said commissioners under or by virtue of the provisions of this act, shall be subject or liable to any stamp duty.

Deeds, &c. exempt from stamp duties.

Eighty-ninth—That no commissioner, or waywarden, shall be
I i entitled

entitled to any remuneration or fee of any kind or nature whatsoever for his services under this act.

Penalties how recoverable.

Ninetieth—All penalties imposed by this act shall be recovered in a summary manner before any two justices of the parish wherein the offence shall be committed, not being commissioners of highways and bridges for such parish; and, in default of payment thereof, it shall be lawful for such justices to direct the offender or offenders to be imprisoned with or without hard labour, for any period of time not exceeding six calendar months, unless any such penalty be sooner paid, and the penalties, when recovered, shall be paid to the receiver-general in aid of the funds for the general road expenditure of such parish: *Provided*, That it shall be lawful for the justices, before whom any conviction shall be had, to adjudge such part of any such penalty as they may deem proper, not exceeding one moiety thereof, to any person or persons who shall have contributed to the conviction of any offender, in such shares and proportions as they shall think fit.

Proviso.

Persons committing offences may be taken into custody on view.

Ninety-first—It shall be lawful for any commissioner, waywarden, constable, policeman, or peace officer, and for all persons whom they shall respectively call to their assistance, to take into custody, without warrant, any person who shall, within view of any such commissioner, waywarden, constable, policeman, or peace officer, commit any offence enumerated in this act, to be dealt with according to the provisions of the thirty-sixth, thirty-seventh, thirty-eighth, and thirty-ninth sections of "The Police Act, 1861," (twenty-fourth Victoria, chapter eleven), or either of such sections, as the circumstance of the case may require.

Prosecutions must commence within three months.

Ninety-second—The prosecution of offences, punishable in a summary manner under this act, shall be commenced within three calendar months after the commission of any such offence, and not later.

Forms may be altered.

Ninety-third—The several forms in the schedules hereunto annexed may be used for the several purposes of this act, so far as the same shall be applicable, and may be modified or altered as circumstances may require.

Certain portions of main road act may be read as part of this act.

Ninety-fourth—The several provisions of the act of the present session, to amend "The Main Road Act, 1837," and to make further provision in respect to other roads, as far as the same may be applicable, shall be incorporated with and read as part of this act.

Duration of act.

Nine y-fifth—This act shall take effect from the passing thereof, and continue in force until the thirty-first day of March, one thousand eight hundred and sixty-nine.

SCHEDULE.

SCHEDULE A.

COUNTY OF MIDDLESEX.

PARISHES.	DISTRICTS.	PARISHES.	DISTRICTS.
St. Catherine -	Trinity	St. Ann -	Dry Harbour
..	Ramsay	..	Alexandria
..	Caymanas	..	Seville
St. John -	Luidas	..	Pedro
..	Guanaboa	..	Ocho Rios
St. Dorothy -	Marlie	..	Moneague
..	Esquivel	Vere -	Yarmouth
St. Thomas ye Vale	Trinity	..	Moreland
..	St. Thomas	Clarendon -	Ludlow
..	Harewood	..	Mocho
..	St. Faith	..	Chapelton
St. Mary -	Retreat	..	Lime Savanna
..	Bagnalls	Manchester -	Mile Gully
..	Port Maria	..	Mandeville
		..	Snowden

COUNTY OF SURRY.

Kingston	No. 1, West Division	St. Thomas ye East	Morant
	No. 2, East Division		Blue Moun-
	No. 3, Parish		tain
St. Andrew	St. Christopher		Bath
	St. James		Plantain Gar-
	St. Joseph		den River
	Liguanea		Manchioneal
Port Royal	Dallas	Portland -	St. Margaret
	Metcalf		Titchfield
	The Town		St. Mark
St. David	Wellington		Aberdeen
	Easington	St. George -	Buff Bay
			Belcarras
			Hope Bay
		Metcalfe -	Maxwell
			Scott's Hall
			Annotto-Bay

COUNTY OF CORNWALL.

PARISHES.	DISTRICTS.	PARISHES.	DISTRICTS.
St. James -	Rose Hall	Hanover -	Green Island
	St. James		Lucea
	Montpelier		Interior
	Marley	Westmoreland	St. Paul's
	Springfield		Trinity
	Belfont		Savanna-la-Mar
Trelawny -	Falmouth		St. Peter's
	Good Hope		St. John
	Rio Bueno		St. Thomas
	Swanswick	St. Elizabeth	Black River
	Ulster Spring		Lacovia
	Stewart Town		Goshen
			Santa Cruz.

SCHEDULE OF FORMS TO WHICH THE ANNEXED ACT REFERS.

No. 1.—APPOINTMENT OF CLERK.

At a meeting of the commissioners of highways for the parish of _____ held at the court-house, in the said parish, the _____ day of _____ A. B. was nominated, elected, and appointed clerk of such board of commissioners, during the pleasure of the said commissioners, and the salary to be allowed to the said clerk was fixed at the sum of £ _____ per annum, payable by quarterly payments on _____

To be signed by the chairman and two commissioners.

No. 2.—APPOINTMENT OF WAYWARDEN.

At a meeting of the commissioners of highways for the parish of _____ held at the court-house, in the said parish, on the _____ day of _____ A. B. of, &c. was nominated, elected, and appointed a waywarden for the _____ district of the said parish, for the purpose of carrying into execution, in such district, the provision of the act or acts now or hereafter to be in force respecting _____

specting highways ; and the said A. B. is hereby required and enjoined faithfully and truly to execute his said office.

To be signed by the chairman and two commissioners.

No. 3.—NOTICE TO PERSON OF HIS HAVING BEEN ELECTED WAYWARDEN.

Take Notice, That you were, at a meeting of the commissioners of highways, for the parish of _____ held at the court house of the said parish, on the _____ day of _____ elected and chosen one of the waywardens for the _____ district of that parish, and you are faithfully and truly to execute the office of waywarden, according to the directions of the act or acts now or hereafter to be in force.

Dated the

day of

C. D. chairman.

E. F. commissioner.

G. H. commissioner.

To A. B. of

No. 4.—NOTICE TO REMOVE ENCROACHMENT BY FENCES.

At a meeting of, &c.

Whereas it hath been made to appear to the said commissioners that the common highway in a certain place, called _____ in the _____ district of the said parish, hath been encroached upon by fences erected thereon by one A. O. which it is necessary should be removed, we do hereby give you notice to remove such fences forthwith, which said fences extend _____ feet, or thereabouts, upon and along such highway, the legal breadth of which highway is _____ feet, and which encroachment extends for the whole length of the said fence, and can only be removed by erecting the said fence _____ feet to the _____ of the place where the same now stands, and such encroachment exists at, otherwise proceedings will be taken against you, according to law.

To A. O. of, &c. or

To A. P. of, &c. claiming under the said A. O.

To be signed by the chairman and two commissioners.

No. 5.

No. 5.—NOTICE FROM WAYWARDEN TO REMOVE NUISANCE.

In pursuance of the directions given by an act, passed in the twenty-fifth year of the reign of queen Victoria, chapter

I, A. B. of, &c. one of the waywardens of the district of the parish of do hereby give you notice forthwith to (stating the nuisance complained of, and requiring its removal), on a certain part of the queen's highway lying between and in the said district and parish, to the obstruction and annoyance of the said highway.

Dated this day of

To C. D. of

A. B. waywarden.

No. 6.—SUMMONS TO SHEW CAUSE WHY THE WAYWARDENS SHOULD NOT ENTER AND DIG FOR MATERIALS UPON ENCLOSED LANDS FOR REPAIRS.

At a meeting, &c.

Whereas it has been represented to us that there are not sufficient gravel, stone, sand, or other materials to be conveniently obtained from any savannah, waste, or unenclosed or open lands, rivers, or gullies in the neighbourhood of (the road, street, or bridge, as the case may be, describing same), in the district of the said parish, but that such materials may be conveniently obtained from grounds and enclosures in your occupation (called and known by the name of and or otherwise describing the same), (not being ground whereon any house stands, or any garden, yard, planted walk, or avenue to any house, or any parcel of provision ground): We do hereby give you notice to appear before the said commissioner, at the court-house, in the said parish, between the hours of and of the noon of the day of to shew cause why we should not make our order authorizing and empowering the waywardens of the said district, or other persons employed, in conducting and superintending the repairs of such road, street, or bridge, as the case may be, any or either of them, to dig and to carry away any gravel, stone, sand, or other materials out of the said grounds, or enclosures in your occupation (not being the ground whereon any house stands, garden, or yard, planted walk, or avenue, to

to any house, or any parcel of provision ground), *whereon any such materials shall be found, and from time to time to carry so much thereof, as they, any, or either of them, shall judge requisite for keeping in repair and amending such (road, street, or bridge), paying such rates for such materials, and the damage done to the owners and occupiers respectively of the grounds where and whence the same shall be dug and carried away, as the commissioners for the time being shall judge reasonable.*

Given under our hands, on behalf of the said commissioners, the day and year first above written.

Three commissioners.

To A. B. of, &c.

No. 7.—ORDER AUTHORIZING WAYWARDENS TO TAKE MATERIALS FROM ENCLOSED LANDS FOR REPAIRS.

At a meeting, &c.

Whereas A. B. of, &c. having been duly summoned to appear before us, to shew cause why we should not make the order herein contained, and having appeared before us, accordingly (or having sent his steward, or agent, or "C. D." on his behalf, to attend us on that occasion, "or" but not having appeared, "or" "E. F." the owner of the lands hereinafter mentioned, having appeared, "or" having sent his steward or agent, or "G. H." on his behalf, to attend us on that occasion), we have heard what has been alleged, and taken the matter into consideration, and are of opinion, and therefore hereby order, authorize, and empower the waywardens of the district of the said parish for the time being, and other the persons employed or to be employed in conducting and superintending the repairs of road, (street, or bridge, as the case may be, describing the same), any or either of them, to dig and to carry away any gravel, stone, sand, or other materials out of the grounds or enclosures in the occupation of the said A. B. called and or otherwise describing the same, (not being the ground whereon any house stands, garden, or yard, planted walk, or avenue to any house, or any parcel of provision ground), whereon any such materials shall be found, and from time to time to carry so much thereof as they, any or either of them, shall judge requisite for keeping in repair and amending such (road,

(road, street, or bridge), paying such rates for such materials, and for the damage done to the owners and occupiers respectively of the grounds where and whence the same shall be dug and carried away, as the commissioners for the time being shall judge reasonable.

Given under our hands, on behalf of the said commissioners, the day and year first above written.

3 commissioners.

No. 8.—APPOINTMENT OF COLLECTOR.

At a meeting of the commissioners of highways and bridges for the parish of _____ held at the court-house in the said parish, the _____ day of _____

In pursuance of the powers and authorities given to, or vested in us, we do hereby nominate and appoint A. B. of, &c. to be collector of the tolls arising on _____ district of the said parish, for _____ (or during the pleasure of the commissioners for the time being), at the yearly salary of _____ for his care, attendance, labor, and services therein, the same to be allowed and paid quarterly, with full power and authority for him, the said A. B. to collect, seize, and distrain for, recover, and receive the tolls arising, and payable at the said _____

turnpike gate, and to do, execute, and perform all acts, matters, and things whatsoever appertaining or incident to the said office of collector, under and according to the provisions, limitations, and directions of the act or acts passed or to be passed relating to highways; and also subject and according to such rules, orders, and directions as he the said A. B. hath received, or shall from time to time receive from the commissioners of highways for the parish of _____ for the time being.

Given [under] our hands the day and year, and at the place first above written.

To be signed by 3 commissioners.

If a temporary collector or receiver only is to be appointed, in case of death, &c. "until the next meeting of the commissioners of highways for [for] the said parish."

No. 9]

No. 9 FORM.—LEASE OF TOLLS.

This indenture, made this day of
 18 *between the commissioners of highways and bridges*
for the parish of of the one part, and
A. B. of C. D. and E. F. of
of the other part, witnesseth, that for and
in consideration of the rent hereinafter reserved, and of the
covenants and agreements hereinafter contained on the part
and behalf of the said A. B. C. D. and E. F. their respective
heirs, executors, and administrators, to be paid, done, and
performed, they, the said commissioners, do demise, lease, and
to farm, let unto the said A. B. his executors and adminis-
trators, all and singular the tolls of the gate erected upon
the highway situate at with full power
and authority for him, the said A. B. his executors and ad-
ministrators, and such person or persons as he or they shall
authorize or appoint, to collect and receive the said tolls, ac-
cording and subject to the provisions and restrictings of the
act or acts now or hereafter to be in force, and under and
subject to such rules, orders, or directions, and variations as
have been or shall be made, ordered, or agreed upon by the
commissioners for the time being, of the said parish of
pursuant to the powers vested, or to be
vested in them; and for that purpose to occupy and enjoy the
toll house at which the said tolls are to be collected and to
arise, with all the appurtenances and conveniences to the same
toll house belonging, during so long time only of the term
hereby granted as the said A. B. his heirs, executors, or ad-
ministrators shall duly and regularly pay the rent and per-
form the covenants and agreements herein reserved and con-
tained: To have and to hold the said tolls and gates, and
all and singular other the premises hereinbefore mentioned,
and intended to be hereby demised unto the said A. B. his
executors and administrators, from the day of
for and during and unto the full end
and term of from thence next ensuing,
and fully to be complete and ended, determinable nevertheless
as herein provided, yielding and paying therefor the yearly
rent or sum of to the person or persons
now or hereafter to be by law authorized to receive the same
(by twelve equal monthly payments in the year at the
end of each successive month, or as the case may be),
without making any deduction or abatement thereout on any
account or pretence whatever, the first (monthly) payment
thereof to begin and be made on the day of
now next ensuing: Provided always, That if the said rent
K k hereby

hereby reserved, shall be in arrear by the space of seven days next after any of the days on which the same ought to be paid as aforesaid, and pursuant to the covenant or agreement hereinafter contained, or if the said A. B. his executors or administrators shall neglect or refuse to perform the covenants and agreements herein contained on his or their part, then, and in any or either of the said cases, it shall be lawful for the commissioners of highways for the said parish, and for the time being, or such person or persons as they shall authorize or appoint for that purpose, into and upon the said tolls, gates, toll houses, conveniences, and appurtenances, or into or upon any part thereof, in the name of the whole wholly to re-enter and the same to have again, collect, receive, retain, repossess, and enjoy, as in their former estate, and the said A. B. his executors and administrators, and all other collectors, receivers, and occupiers of the said premises thereout and from thenceforth utterly to expel, put out, and remove, and thereupon and from thenceforth to vacate and determine these presents, or otherwise to act on the premises as to the said commissioners shall seem meet, according to the directions and provisions in that behalf contained of any act or acts of the legislature of this island, now or hereafter to be in force; and the said A. B. C. D. and E. F. do hereby for themselves jointly and severally, and for their several and respective heirs, executors, and administrators, covenant with the said commissioners of highways for the parish of _____ that the said A. B. his executors, or administrators, shall and will well and truly pay, or cause to be paid, unto the person or persons now or hereafter to be by law authorized to receive the same, the said yearly rent, or sum of _____ by twelve equal monthly payments at the end of each successive month, without any deduction or abatement whatsoever as aforesaid, according to the true intent and meaning of these presents; and (to repair the toll house, or any other condition, as agreed upon;) and also that the said A. B. his executors or administrators shall and will well and truly observe, fulfil, abide by, pay, and keep all the conditions, restrictions, provisions, clauses, and limitations respectively limited, inflicted, and declared in and by any act or acts now or hereafter to be in force concerning or appertaining to lessees of tolls, or to the managing, recovering, or receiving the tolls, or any other account relating to or concerning the office of lessee, or collector, or gate keeper; and also shall and will, from time to time, and at all times during the said term hereby demised, pay obedience to, and perform all and every such orders and directions as shall be legal, and as the commissioners

sioners of highways for the said parish of
 during the continuance of the term aforesaid, shall think expedient and proper to be done by them respectively to the said road, and the tolls to arise therefrom; and moreover that at the expiration or other sooner determination of this demise, whichever shall first happen, he the said A. B. his executors, [and] administrators shall and will quietly quit, yield, and deliver up the possession of the said toll house and toll gate, and the receipt and collection of the said tolls to the commissioners of highways for the parish of
 for the time being, or to such person or persons as they shall appoint for that purpose.

In witness whereof the said three commissioners, whose names are subscribed hereto, on behalf of the commissioners of highways and bridges for the said parish of
 and the said parties of the second part, have hereunto set their hands and seals the day and year aforesaid.

Signed, sealed, &c.

No. 10.—WARRANT TO ENTER LAND AND TOLL HOUSE, AND REMOVE PERSONS THEREFROM.

Jamaica, ss. } To any policeman, constable, or other peace
Parish of } officer for the parish of

Whereas complaint hath been made unto us A. B. and C. D. esquires, two of her majesty's justices of the peace for the said parish, upon the oath of
 and other evidence now produced to us, that E. F. who now inhabits the turnpike or toll gate house at
 upon the highway leading from
 to
 and was appointed to collect the tolls there, hath been duly discharged by the commissioners of highways and bridges for the said parish of
 from any further collecting or receiving the tolls arising at the said gate, and hath refused, and still doth refuse, to quit the possession of the said house, and lands and premises, and the said E. F. having been summoned to appear before us this day, to shew cause, why he should not be removed from the said house, and having shewn no sufficient cause for such purpose (or not having appeared), we do hereby authorize and require you, with such assistance as shall be necessary, to enter into the said toll house, and land and buildings, belonging thereto, in the day time, and remove the said E. F.

K k 2

and

and all such persons as shall be found therein, together with his and their goods, out of such house and buildings, and to put G. H. the person lately appointed by the commissioners to collect such tolls, into the possession thereof.

Given under our hands, this day of

C A P. XIX.

An act to provide for the future introduction into this colony of liberated Africans.

Preamble.

WHEREAS it is expedient to provide for the future introduction into this colony of liberated Africans: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :*

Governor may direct payment of expenses incurred in the removal of Africans to this island.

First—The governor may, from time to time, by warrant under his hand, direct to be paid, and the receiver-general shall thereupon pay, out of the funds and monies from time to time available for the introduction into this colony of immigrants, all expenses to be actually incurred, as on and from the first day of April, one thousand eight hundred and sixty-two, in the removal to this colony of liberated Africans from the place at which they may have been originally landed, including expenses reasonably incidental to their protection and care after arrival, and before assignment to employers.

Each African may be indentured for a period not exceeding three years.

Second—Every liberated African, so introduced, may be indentured by the immigration agent to any employer whom the governor may think fit, for a period not exceeding three years, or such time as may elapse until he shall reach the age of eighteen years; but no such indenture shall take effect until the employer and the immigrant, or the immigration agent on his behalf, shall have executed an indenture in the form No. 4 annexed to "The Immigration Act, 1858," (twenty-second Victoria, chapter one), or in such other form as may be approved by the governor.

Age of African supposed to be eighteen years shall be fixed by immigration agent.

Third—In every case where any liberated African shall be supposed to be under the age of eighteen years the immigration agent shall, according to the best evidence or information he can obtain, fix his age at the date of the indenture, and shall endorse the same thereon; or, in default, the indenture of every such liberated African shall determine on the expiration of three years from the date thereof.

Employers to pay for food, &c. and £1 10s. in advance for each

Fourth—Every employer shall pay to the immigration agent all expenses incurred for food and lodging of every such liberated African

African so indentured within the like time, and on the like notice, to be computed and regulated in like manner, and subject to the like penalties and liabilities, and to be recovered in like manner as is and are provided by "The Further Immigration Act, 1861," (twenty-fourth Victoria, chapter sixteen), in respect to the like expenses for other immigrants; and shall also pay the sum of (one pound ten shillings) in advance for the first year's service of every liberated African under such indenture of the age or supposed age of eighteen years or upwards, and the sum of fifteen shillings in advance for the first year's service of every liberated African under the age of eighteen years, included in such indenture; and shall also enter into contract in form similar to form No. 1, annexed to the "Further Immigration Act, 1861," *mutatis mutandis* for payment of one pound ten shillings in advance for each subsequent year of service for each African supposed to be of the age of eighteen years or upwards, and fifteen shillings in advance for each subsequent year for each supposed to be under that age, until he shall attain such age, to be paid respectively on the day next after the day of the expiration of the previous year of service, in like manner as is provided by such act in respect of the annual payments thereby required for other immigrants.

year's service of each African of the age of 18 years, and 15s. for each year's service of each African under 18 years of age. 7

Fifth—The annual payments by this act directed shall not be payable in respect of any liberated Africans introduced into this island free of cost prior to the first day of April, one thousand eight hundred and sixty-two, but all such Africans may be indentured according to the other provisions of this act, but the employer to whom any such African may be so indentured shall not be required to enter into contract, nor be liable for payment of any monies further than the cost of the maintenance and support and incidental to the protection and care of such African between the period of his arrival and being indentured to such employer, the amount of which cost shall be fixed by the governor, and collected by the immigration agent from the employer at the time of entering into indenture, and shall be paid over to the receiver-general to the credit of the before-mentioned "Further Immigration Fund Account."

Such annual payments not to be made in respect of Africans introduced free of cost.

Sixth—All monies to be paid by employers under this act shall be paid over by the immigration agent to the receiver-general to the credit of "The Further Immigration Fund Account, 1861," by the recited act of the twenty-fourth Victoria, chapter sixteen, established.

Monies to be paid to receiver-general.

Seventh—It shall be the duty of the agent-general of immigration to include in the return required under the seventy-first section of "The Immigration Act, 1858," (twenty-second Victoria, chapter

Immigration agent to include certain Africans in return under 22d Vic. cap 1. &c.

Twenty shillings per annum to be appropriated for each African, to the immigration fund.

chapter one,) all liberated Africans at any time introduced into this island within ten years preceding the date of every such return, and the like sum of twenty shillings, and from the like monies, shall be appropriated annually on account of every such African alive in this island at that date, as is required to be appropriated on account of any other immigrant to the credit of "The Immigrants Colonization and Return Passage Fund Account," and shall be invested and accumulated in like manner as such other payments are required or authorized to be.

Employers and Africans to come under provisions of acts relating to immigrants.

Eighth—Every employer, and every liberated African indentured according to the provisions of this act, shall be respectively entitled and subject unto the respective rights, privileges, duties, obligations, liabilities, and penalties contained in any act now or hereafter to be in force relating to immigrants introduced into this island; and all the provisions of every such act shall be observed and enforced in respect to such employers and liberated Africans respectively, and the recovery of any annual or other payments to become due, and payable under this act, and in every other respect, excepting always any right to a return passage, and except as otherwise provided by this act.

Africans entitled on certain conditions to certificate of industrial residence.

Ninth—Every liberated African, after having resided in this island three years, or such other time as should elapse until he shall reach the age of eighteen years as aforesaid, shall be entitled to demand from the immigration agent a certificate of industrial residence, unless it shall be recorded in the office of the said immigration agent, or shall otherwise appear to his satisfaction that such African has deserted or absented himself from service otherwise than from illness while under indenture for periods amounting together, during the term of service, to more than three months, in which case he shall not be entitled to such certificate unless and until he shall have further served under indenture for the period of such absence or desertion, or given a money commutation in lieu thereof, under the provisions of "The Immigration Act, 1858."

C A P.

C A P. XX.

*An act for promoting immigrant settlements in the colony,
by joint stock companies.*

IT being expedient to encourage the settlement of lands by immigrants, and to effect such settlement by the aid of joint stock companies, and that a general law should exist to enable joint stock companies to purchase and hold lands for the purposes aforesaid: *Be it enacted by the governor, council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

First—Any number of persons, not less than twenty, in any parish of this island, may form themselves into a parochial company for the settlement of immigrants on lands and in townships under the provisions of this act, and such company, so formed, shall be called the company for promoting agricultural settlements, the name of the parish in which and for which the joint stock is subscribed being set before the word company, as its name and title; in case of more companies than one being established in any one parish under this act, they shall be numbered respectively (on the establishment of the second) Nos. 1, 2, and so forth, arithmetically in succession; and all vouchers and documents of such companies shall be so distinctively numbered as to prevent confusion of the transactions of one company with those of another, in the same parish.

Persons may form themselves in a company for the settlement of immigrants in townships.

Second—When any number of persons, not less than twenty, shall have subscribed a sufficient quantity of stock, divided into a thousand shares, to amount to a sum equal in their judgment to the amount required for the purchase of the lands requisite for subdivision into farms for settling immigrant families, and have executed an instrument in the form of the schedule in this act contained, and have paid to the treasurer of such intended company a fifth amount of each share, amounting to one thousand shares, intended to cover the capital stock of the said company, to be raised for the purpose aforesaid, and have registered in the office of public records of this island such instrument at full length, together with a receipt from the treasurer of such company for such first instalment of one-fifth on each and every share, such company shall thereupon and thenceforth become and be a body corporate by such name as designates the parish for which

And become a body corporate capable of holding lands, &c.

which such settlement on lands, to be allotted in farms, shall be intended, and such company, and their successors, by their corporate name, shall be capable of taking, purchasing, having, and holding such lands, with their appurtenances and rights, as shall be designed and intended for the settlements aforesaid, and they shall be authorized and empowered to do all that shall be requisite, by bye-laws to be passed according to the regulations of this act, for the business of the settlements formed and to be formed, and for the management of the affairs of the said company.

and manage their concerns by directors.

Third—The affairs, property, and concerns of every such company, formed under the provisions of this act, shall be managed by not less than five, nor more than ten directors, who shall be shareholders, and subjects of her majesty by birth or naturalization, and a majority of whom shall be a quorum, capable of doing business.

How such directors are to be chosen, and when.

Fourth—The said directors shall, in the first instance, be chosen from among the subscribers to the instrument recorded as aforesaid, and thereafter shall be annually elected by the stockholders of the company on the second Tuesday in January, or on the next succeeding Tuesday in each and every year; and upon the first and every such election of directors, each shareholder shall be entitled to one vote for every share he may hold, or be possessed of, up to five, and one vote for every five shares above five; but no stockholder shall be entitled to more than ten votes in all, or be allowed to vote at any election, unless he has paid all calls upon each share he may hold.

They are to elect a president,

Fifth—The directors, or a majority of them shall, at their first annual meeting, elect one of their number to be president of such company, and the president, if present (or if not present, then some director, chosen for the occasion), shall preside at all meetings, and, in case of equality, shall have the casting vote.

and make bye-laws, &c.

Sixth—The said directors may pass bye-laws for the regulation of the affairs of such company, and shall keep a book, in which shall be recorded all bye-laws and proceedings, and to which any person shall have access for the purpose of searching the same, and making extracts therefrom, without payment of any fee whatsoever.

Every company must

Seventh—Every such company shall have a secretary and treasurer,

treasurer, and such subordinate officers as the company by its bye laws may require, who shall be elected by the directors, and required to give such security for the faithful performance of the duties of their respective offices, as the company, by its bye-laws, may provide.

have a secretary, treasurer, &c.

Eighth—The bye-laws of the company shall be settled and approved by a barrister at law, practising in this island, to be appointed by the governor, for which service he shall receive from the said company a fee of three guineas, and for every after revision of the said bye-laws, or settlement of any additional or supplemental bye-law, a fee of one guinea additional.

Bye-laws to be settled by a barrister.

Ninth—Each share in every such company shall be ten pounds at most, and not less than one pound, to be determined in amount, and paid at the formation of the company, and shall be regarded as personal property, and shall be transferable upon the books of such company in such manner as may be provided for by the directors, in that behalf.

Each share to be not more than £10, nor less than £1, and transferable.

Tenth—The directors of any such company may call in and demand from the stockholders thereof respectively all sums of money by them subscribed, at such times and in such payments or instalments as such directors may deem proper, under the penalty of forfeiting the shares of stock subscribed for or held, and all previous payments made thereon, if payment be not made by the stockholders respectively called upon within thirty days after a written demand, or after notice requiring such payment has been published for four successive weeks in the newspaper nearest the place where the business of the company is being carried on as aforesaid.

Directors may make calls when they think proper.

Eleventh—Any such company, so incorporated as aforesaid, may sell and dispose of, and enfeoff to any immigrant settler desiring to locate on lands of the said company, such quantities of such lands as may be desirable for a freehold farm, or the said company may accept any settler for a conditional tenant, and eventual purchaser of such lands, to be fixed and determined in the conditions of such tenancy and eventual purchase, by an instrument in writing, according as may be deemed necessary and expedient for the purpose intended, which said instrument shall be entered and registered in the register book kept for that purpose, and the payments made in compliance with such conditional tenancy and purchase shall be duly entered in the register book of the said company, and a full title for the lands, so occupied and settled, shall be given to such

Company may sell lands, &c.

immigrant settler when all the conditions of his tenancy and purchase shall have been duly satisfied and paid.

and lend money to
any settler,

Twelfth—Any such company, so incorporated as aforesaid, shall be empowered and authorized to make loans of money to any settler occupying or purchasing land as aforesaid, such loan to be conditioned to be expended in building or settling the farm aforesaid occupied by such settler; the said money, so supplied to the said settler, to be guaranteed to the said company on bond, not exceeding the sum of twenty-five pounds on any single loan, and the said company aforesaid may receive a sum not exceeding ten *per cent. per annum* on such loans aforesaid from the settler to whom such advances in money aforesaid shall have been made.

It need not set out the
special matter in any
action for recovery of
money.

Thirteenth—In any action or suit brought by any such company against any stockholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the company to aver that the defendant is the holder of one share or more (stating the number of shares) in the stock of the said company, and that he is indebted to the company in the sum of money to which the calls, in arrear amount, in respect of one call or more upon one share or more (stating the number and amount of each such calls), whereby an action hath accrued to the company by virtue of this act.

Nature of proof at
hearing of such action.

Fourteenth—On the trial or hearing of such action it shall be sufficient for the company to prove that the defendant, at the time of making such call, was the holder of one share or more in the undertaking, (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed), and that such call was in fact made, and notice thereof given, as is required; and it shall not be necessary for the company to prove the appointment of the directors who made such call, or any other matter whatsoever; and thereupon the company shall be entitled to recover the amount due upon such call, with interest thereon, unless it appears that due notice of such call was not given.

Portions of land may
be set apart for a
church, &c.

Fifteenth—Any company, so incorporated as aforesaid, may set apart, by deed for the purpose, such piece or parcel of land, forming part of the freehold of the said company, for a church or chapel for the public worship of God, or for a school for the use of the settlers, or for any public purpose, having for its ob-
ject

ject the accommodation of the inhabitants of the settlement; and such title for such land, for the purposes aforesaid, may be granted to trustees either named, or from time to time hereafter to be appointed in conformity to any law that exists or may exist relating to trustees for churches or chapels, or schools, or public institutions, such grant of land having been first approved of and agreed to at a public meeting of the shareholders and inhabitants of the settlement, duly convened by the directors of such company aforesaid, for such especial object or objects.

Sixteenth—If any action or suit be brought by or against any such company upon any contract, or upon any matter or thing whatsoever, any stockholder, or any officer or servant of the company, shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest, or of his being such servant or officer.

**Stockholder, &c. of
company competent to
be a witness.**

SCHEDULE.

Jamaica ss.

*Be it remembered, that on this day of
in the year of our Lord one thousand eight hun-
dred and we, the undersigned stockholders, met at
in the county of in
the island of Jamaica, and resolved to form ourselves into a
company, to be called (here insert the name of the com-
pany by the name of the parish in which it shall be form-
ed, and the lands situate), according to the provisions of a
certain act of the island, intituled "An act for promoting
immigrant settlements in the colony," for the purpose of pur-
chasing lands in the said parish, in the county of
and parcelling and allotting the same in settlements for immi-
grant settlers, and for the purposes of agriculture: And we do
hereby declare that the capital of the said company shall be
pounds sterling, to be divided into one thousand
shares at the price or sum of each; and we,
the undersigned stockholders, do hereby agree to take and ac-
cept the number of shares set by us opposite to our respective
signatures; and we do hereby agree to pay the calls thereon,
according to the provisions of the aforesaid act, and of the rules
and regulations, resolutions, and bye-laws of the said company,
to be made or passed in that behalf; and we do hereby nomi-
nate (the names to be here inserted) to be the first directors
of the said company.*

• L12

NAME

NAME.	NUMBER OF SHARES.	AMOUNT.

C A P. XXI.

An act to provide for settlement of the claims of the present rector of Saint George, and his successors, for glebe, rectory house, servants, and fees.

Preamble.

WHEREAS by the proviso of the fifty-eighth section of the act of the twenty-second Victoria, chapter twenty-three, it is enacted that the present rector of the parish of Saint George shall be entitled to receive, over and above the sum of seventy-three pounds mentioned in the schedule annexed to that act, such sum of money annually as he should be declared entitled to receive by the decision of the privy council in the case then pending between him and the churchwardens of his parish, so long as he shall hold his present living; and, that upon a vacancy occurring in such living, and a successor being appointed thereto, such successor should be paid the sum mentioned in the said schedule, and no more, in full compensation for glebe and servants: *And whereas* a compromise has been effected in the matter of the claims of the present rector of Saint George for rectory house, glebe, and servants, in pursuance whereof the sum of seven hundred and eight pounds has been provided to be paid to him in full thereof, and of his costs on a certain judgment of the supreme court, in and about such matter to the thirtieth of September last, and it is necessary to provide as hereinafter provided for fully carrying out the said compromise: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Proceedings to be determined upon payment of £706.

*First--*In pursuance of such compromise, and in consideration of such payment of the said sum of seven hundred and eight pounds, such claims, to the said thirtieth September last, are

are hereby declared satisfied, and the said judgment of the snpreme court, in and about the matter thereof, shall be, and is hereby declared to be, satisfied and discharged; and all proceedings in appeal therefrom, now or lately pending before the privy council of England, shall be, and are hereby declared to be discontinued and determined.

Second—In further pursuance of such compromise the reverend Charles Tuthill May, the said present rector of Saint George, shall be paid, during his incumbency, on the warrant of the governor, at the rate of one hundred and forty pounds *per annum*, in full of all claims already or hereafter to be made by him as such rector for rectory-house, glebe, and servants, and in lieu of fees for burials and otherwise, and, during such his incumbency, the sums of seventy-three pounds and eighteen pounds, mentioned in the said schedule to the recited act annexed as allowances to the rector of the said parish, shall not be paid or payable.

Present rector to be paid £140 per annum in full of all claims.

Third—Such sums of seventy three pounds and eighteen pounds, and no more, shall be paid to each succeeding rector of the parish of Saint George, in full of all claims and allowances for glebe, rectory house, and servants, and for burials, and otherwise, as provided by the said schedule.

Allowance to succeeding rector.

Fourth—The proviso to the fifty-eighth section of the act twenty-second Victoria, chapter twenty-three, is hereby repealed:

Proviso to 58 sec. 22 Vic. cap. 23, repealed.

C A P. XXII.

An act to amend and in aid of the eighteenth Victoria, chapter fifty-three, for carrying out the objects of the charitable devises and bequests of Robert Hugh Munro and Caleb Dickenson.

WHEREAS the establishment of an alms house under the act of the eighteenth Victoria, chapter fifty-three, for carrying out the object of the charitable devises and bequests of Robert Hugh Munro and Caleb Dickenson has been found not to confer the benefits contemplated therein, and it is expedient to provide for the effectual application of the bounty of the testators on behalf of the poor or necessitous, for whom the alms houses, by the recited act directed to be established, were intended: *And whereas* it is also expedient that the after-mentioned fund should

Preamble.

be

be provided for the repairs and upholding of the said school and other buildings of the said charity: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Funds for maintenance of alms house may be applied otherwise towards support of poor persons.

First—The governors and trustees of Munro and Dickenson's charity shall be, and are hereby empowered to appropriate the funds by the recited act made applicable for the establishment and maintenance of an alms house or alms houses in and towards the support otherwise of such poor persons who would, under the provisions of the recited act, have been or may hereafter become qualified for admission into such alms house, in lieu of maintaining such alms house or alms houses.

Certain moneys may be invested at interest, &c.

Second—The governors and trustees of the said charity shall be, and are hereby empowered to invest at interest in the public securities of this island, or of Great-Britain, the sum of six hundred and forty-six pounds seventeen shillings and five pence standing in the books of the receiver-general, or such sum as may be adjusted as the balance due to the credit of the building fund account of the governors and trustees of the said charity, and to employ the interest to accrue on such invested fund in and towards the repairs of the school-houses and other buildings belonging to the said trust, and to re-invest or accumulate at interest in like securities, and for like purposes, the interest or dividends of the said sum, or any portion thereof, from time to time: *Provided*, That nothing shall extend to grant power to the said governors and trustees to use for such repairs any part of the capital sum of six hundred and forty-six pounds seventeen shillings and five pence, or such other sum as shall be adjusted due as the balance of the said building fund account.

Provido.

All such moneys to be applied to the relief of poor, and repairs of school buildings.

Third—All such respective monies shall be applied by the said governors and trustees as well for the relief of poor persons as for the repairs of the said school buildings respectively, according and subject to the bye-laws, orders, rules, and regulations already or hereafter to be made, pursuant to the recited act, in and about the affairs of and concerning the said schools, and for appointing the poor and necessitous persons who shall be admitted to the relief by this act intended to be provided for such persons, and for ordering the means and system of administering such relief, and otherwise for the general management and direction of the said charity; and accounts of such respective monies, and the appropriation thereof respectively, shall be kept, stated, and audited, and reports shall be made of the said poor, and of the manner and relief of the same, and of the said school houses, as often as and to the effect and

and in the particulars prescribed by the recited act, so far as the same shall be applicable in respect to the management of the said charity, and otherwise in all respects the recited act, except in so far as it is by this act altered or amended, shall be followed as governing and directing the proceedings and transactions of the governors and trustees in the respects and matters by this act directed or established.

Fourth—This act shall be read as incorporated with and as part of the recited act, as the same is by this act amended.

This act to be read with 18 Vic. cap. 53.

C A P. XXIII.

An act to enable the governor of this island to prohibit the exportation therefrom of certain articles readily convertible into gunpowder, and ammunition of war.

WHEREAS it is expedient that the governor of this island should have power to prohibit the exportation from this island of articles capable of being converted into, or made useful in increasing the quantity of military or naval stores: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble.

First—From and after the passing of this act it shall be lawful for the governor, by proclamation in the Jamaica Gazette, by authority, to prohibit the exportation, or sending by any person from any port or place in this island to any place beyond the limits of this island, any saltpetre, sulphate of potash, muriate of potash (chloride of potassium), nitrate of soda, gunpowder, brimstone, percussion caps, tubes, lead, arms, or ammunition of war.

Governor may prohibit the exportation of certain articles.

Second—All articles exported or sent from this island contrary to the declarations and provisions of this act shall be deemed and taken to be "ammunition," within the meaning, and for all the purposes of the several acts of the legislature of this island, passed respectively in the eleventh year of the reign of her present majesty the queen (being chapter four); in the sixteenth year of the said reign (being chapters nine and thirty-one); in the seventeenth year of the same reign (being chapter twenty-six); and in the twenty-first year of the same reign (being chapter nineteen).

What articles may be considered ammunition.

Third—All the powers now possessed by the several harbour masters in this island of going on board any ship or vessel about to depart from this island, and of examining such ship for the purpose of preventing the export of articles prohibited by her majesty's

Powers of harbour-masters conferred on officers of customs.

jesty's proclamation to be exported, are hereby also conferred on the officers for the time being of her majesty's customs.

Governor may revoke proclamations issued by him.

Fourth—It shall be lawful for the governor at any time, by subsequent proclamation in the Jamaica Gazette, by authority, to revoke any proclamation issued by him under the authority of this act.

C A P. XXIV.

An act to repeal the twenty-fourth Victoria, chapter eighteen, so far as provides for punishing by flogging the offence of soliciting another to commit a capital felony, and for other purposes.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :

Certain portions of 24 Vic. cap. 18, repealed.

So much of the act of the twenty-fourth Victoria, chapter eighteen, as provides for punishing by flogging, the offence of soliciting another to commit a capital felony, is hereby repealed ; and the word "also" shall be, and is hereby declared to be, expunged from the second section of the said act :

Meaning of certain expressions in said act defined.

And be it enacted, That the expression any male person, who shall be convicted a third time, or any greater number of times, of any felony in the said act, shall be held to mean any male person who shall have been, at any time previously, twice or any greater number of times convicted of any felony.

C A P. XXV.

An act to make provision towards the establishment of a resident magistrate in and for the Cayman islands.

Preamble.

WHEREAS it is expedient that provision should be made towards the establishment of a resident magistrate in and for the Cayman islands : *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :*

Dues on droghers may be paid to resident magistrate.

From and after the appointment of such resident magistrate it shall be lawful for the governor of this island, by his warrant, from time to time to direct payment to the resident magistrate in and for

for the said Cayman islands for the time being, of the amount of dues to be by law from time to time collected on droghers of, or belonging to, the said Cayman islands, or persons resident therein.

C A P. XXVI.

An act for the amendment of an act, passed in the third year of the reign of her majesty queen Victoria, intituled "An act for the amendment of the laws with respect to wills."

WHEREAS, the laws with respect to the execution of wills require further amendment: *Be it therefore enacted by the governor, legislative council, and assembly, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

First—Where, by an act, passed in the third year of the reign of her majesty queen Victoria, intituled "An act for the amendment of the laws with respect to wills," it is enacted, That no will shall be valid unless it shall be signed at the foot or end thereof by the testator, or by some other person in his presence, and by his direction, every will shall, so far only as regards the position of the signature of the testator, or of the person signing for him as aforesaid, be deemed to be valid, within the said enactment, as explained by this act, if the signature shall be so placed at, or after, or following, or under, or beside, or opposite to the end of the will, that it shall be apparent, on the face of the will, that the testator intended to give effect by such his signature to the writing signed as his will, and that no such will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will, or by the circumstance that a blank space shall intervene between the concluding word of the will and the signature, or by the circumstance that the signature shall be placed among the words of the testimonium clause, or of the clause of attestation, or shall follow, or be after, or under the clause of attestation, either with or without a blank space intervening, or shall follow, or be after, or under, or beside the names, or one of the names of the subscribing witnesses, or by the circumstance that the signature shall be on a side, or page, or other portion of the paper or papers containing the will whereon no clause or paragraph, or disposing part of the will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page, or other portion of the same paper on which the will is written, to

The act 3d Vic. relating to wills amended.

M m

contain

contain the signature, and the enumeration of the above circumstances, shall not restrict the generality of the above enactment, but no signature under the said act or this act shall be operative to give effect to any disposition or direction which is underneath, or which follows it, nor shall it give effect to any disposition or direction inserted after the signature shall be made.

This act to apply to wills already made, where probate has not been granted.

Second—The provisions of this act shall extend and be applied to every will already made, where administration or probate has not already been granted or ordered by a court of competent jurisdiction, in consequence of the defective execution of such will, or where the property, not being within the jurisdiction of the court of ordinary of this island has not been possessed or enjoyed by some person or persons claiming to be entitled thereto, in consequence of the defective execution of such will, or the right thereto, shall not have been decided to be in some other person or persons than the persons claiming under the will by a court of competent jurisdiction, in consequence of the defective execution of such will.

Interpretation of word "will."

Third—The word "will" shall, in the construction of this act, be interpreted in like manner as the same is directed to be interpreted under the provisions in this behalf contained in the said act of the third year of the reign of her majesty queen Victoria.

Short title of act.

Fourth—This act may be cited as "THE WILLS' ACT AMENDMENT ACT, 1861."

C A P. XXVII.

An act to amend the "Land Surveyors' Act, 1858."

Preamble.

WHEREAS it is expedient to amend the "Land Surveyors' Act, 1858," (twenty-second Victoria, chapter forty), in the respects hereinafter mentioned: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same.*

One of the surveyors to examine applicant must be a crown surveyor.

Penalty for granting false certificate.

First—One of the surveyors, to be appointed by the supreme court, to examine any person applying to be admitted and sworn as land surveyor under the fourth section of the said act, shall be a crown surveyor; and any surveyor or surveyors, so appointed as aforesaid, who shall give or grant a false certificate to any candidate presenting himself for examination, shall be liable to a penalty of one hundred pounds, to be recovered summarily; and any commission obtained under such fabricated certificate shall be null and void.

Second

Second—For the future the examination prescribed by the fifth section of the recited act shall be held in the court-house of the most convenient town of the county in which such candidate resides ; and the surveyors, to be appointed for the examination of any candidate under this and the said recited acts, shall publish, in the Jamaica Gazette, by authority, a notification of the time and place where such examination shall be held ; and, in case they shall not meet at the time and place appointed, a fresh notice of the time and place appointed for such examination shall be given as aforesaid.

Examination under 22d Vic. cap. 40, must be held in court house of most convenient town, and notice thereof given in Gazette.

Third—The thirteenth section of the said recited act shall be, and the same is hereby repealed ; and any surveyor or other person who shall deface, destroy, or remove any lines upon earth, or any land marks, or marked tree, post, or pillar, shall be liable to a penalty of one hundred pounds, which shall be recovered summarily.

13th sec. 22d Vic. cap. 40, repealed, penalty for removing land marks.

Fourth—The fee of two guineas allowed by scale one of the said act 22 Victoria, chapter 40, for laying out lots of ten to twenty acres, shall be and the same is hereby increased to two pounds ten shillings ; and the following charges shall form part of such scale, *videlicet* :

Fee under 22d Vic. increased,

additional charges.

Attending by appointment to survey any land, when the person employing such surveyor does not attend at the time and place appointed

£2 2 0

And, in addition, mile money at the rate of one shilling and six pence per mile from the place of residence of such surveyor to the place appointed.

Attending by appointment to meet another surveyor, or to run a line when such surveyor does not attend, or the running of such line shall be interrupted

2 2 0

C A P. XXVIII.

An act to prevent collectors of dues from being eligible to be nominated for, or to sit and vote in, the house of assembly of this island.

Preamble.

Collector of dues ineligible to be elected member of assembly.

WHEREAS the collectors of dues receive their appointments from, and are liable to be deprived of office at the will of the crown; and, as such collectors of dues, through their office, have considerable influence over voters, and as it is desirable that the independency of members of the house of assembly, and the unrestricted use of the franchise should be maintained: *Be it therefore enacted by the governor, legislative council, and the assembly of this island, and it is hereby enacted accordingly,* That from and after the passing of this act no collector of dues shall be eligible to be nominated for, or elected to a seat in the house of assembly of this island.

C A P. XXIX.

An act to provide for the payment of salary, or wages, or other sums, to a limited extent, to overseers, bookkeepers, clerks, servants, and others, in case of the insolvency of their employers.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same,

A judge may order certain portion of salary of overseer, &c. to be paid out of insolvent estate of employer.

First—That from and after the passing of this act, when any insolvent shall have been indebted, at the time of his becoming an insolvent, to any overseer, bookkeeper, clerk, or servant, in the employ of such insolvent, in respect of the salary or wages of such overseer, bookkeeper, clerk, or servant, it shall be lawful for any judge of the insolvent court, in such case to order so much as shall be so due, not exceeding six months' salary, or wages, and not exceeding sixty pounds, to be paid to such overseer, bookkeeper, clerk, or servant out of the estate of such insolvent; and such overseer, bookkeeper, clerk, or servant, shall be at liberty to prove, as a creditor, for any sum exceeding such amount.

Wages of labourer, &c. to the extent of £10 may be paid out of insolvent estate of employer.

Second—That when any insolvent shall have been indebted, at the time of his becoming an insolvent, to any labourer or workman of such insolvent, in respect of the wages or labour of such labourer

labourer or workman, it shall be lawful for any judge of the insolvent court, in such case to order so much as shall be so due, not exceeding ten pounds, be paid to such labourer or workman out of the estate of such insolvent, and such labourer or workman shall be at liberty to prove as a creditor for any sum exceeding such amount.

C A P. XXX.

An act to protect property from the careless use of fire.

BE it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, That any person who shall, by the negligent use or management of fire in any place whatsoever, endanger any buildings, lands, cultivated plants, fences, or other property, or who shall use or carry any lighted pipe, segar, fire-stick, torch, or flambeau, whereby injury may or shall result to any buildings, lands, cultivated plants, fences, or other property, shall, on conviction thereof, before any two or more justices of the peace of the parish or precinct, where any such offence shall be committed, at the discretion of the said justices, forfeit and pay a fine not exceeding ten pounds, together with costs, or be committed to the common goal, or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labor, for any term not exceeding ninety days.

Persons negligently using fire, or carrying lighted pipes, &c. punishable by fine or imprisonment.

C A P. XXXI.

An act to extend the powers of the governor in the removal of prisoners from one prison to another, under the provisions of "The Prisons' Consolidation Act, 1856."

BE it enacted by the governor, legislative council, and assembly, and by the authority of the same, That from and after the passing of this act the power of the governor to remove prisoners from one prison to another in this island, under the provisions of the sixth clause of the sixteenth section of twentieth Victoria, chapter eleven, "The Prisons' Consolidation Act, 1856," shall extend to the removal of any prisoner committed for trial for felony, subject to the terms of the warrant of his original commitment: *Provided*, That no such prisoner shall be removed to any other than a county gaol.

The power of the governor to remove any prisoner from one prison to another extended to prisoners charged with felony.

Proviso.

C A P.

C A P. XXXII.

An act for making and maintaining a railway from Kingston to Stoney-Hill, and for other purposes.

Preamble

WHEREAS the persons hereinafter named are willing, at their own expense, costs, and charges, to make a line of railway, commencing at some convenient point in the city and parish of Kingston, with proper works connected therewith, for the carriage of passengers, cattle, goods, wares, and merchandize, and articles, the produce of this island, and to commence the same on or before the thirty-first day of December, one thousand eight hundred and sixty-two, and complete the same on or before the thirty-first day of December, one thousand eight hundred and sixty-four, to or near the foot of Stoney-Hill, in the parish of Saint Andrew, in the county of Surry, upon the terms hereinafter set forth : *And whereas* it is the object of the said parties that a company should be formed and incorporated in the manner, and with the privileges, and immunities, and under and subject to the restrictions and limitations hereinafter contained and mentioned, or referred to : *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted, as follows :*

Certain persons united into a body corporate by the name of "The People's Railway,"

to have perpetual succession, a common seal, and to sue and be sued,

with power to purchase and hold lands,

First—That David Smith, Lewis Quier Bowerbank, Charles Campbell, James Watson, John Radcliffe, Charles Arthur Robinson, William George Astwood, Samuel Constantine Burke, David Judah Alberga, Emanuel Lyons, Daniel M'Dowell, Henry Vendryes, George Overley, James Kay Fingzies, and Richard Hitchins, and all other persons, bodies politic and corporate, who shall hereafter subscribe towards the said undertaking, or become interested therein, and their several and respective successors, administrators, and assigns, shall be united into a company under this act, for the making and maintaining the said railway, and other the works authorized by this act, according to the provisions and restrictions hereinafter mentioned and referred to ; and, for that purpose, shall be one body corporate, by the name and style of "THE PEOPLE'S RAILWAY," and by that name shall have perpetual succession, and a common seal, and shall sue, and be sued in all courts of law and equity, and shall prefer and prosecute any information or indictment authorized by the laws in force in this island before any tribunals or courts whatever in the said island against any person, whether a member or not of such corporation ; and shall have power and authority to purchase and hold lands, tenements, and hereditaments, to them, their successors, and assigns,

signs, for the use of the said undertaking, without incurring any of the penalties or forfeiture of the statutes of mortmain, and shall also have power to sell and dispose of, or lease the said lands, tenements, and hereditaments in manner by this act directed.

Second—It shall be lawful for the said company, and they are hereby empowered to make and maintain a railway, with all proper works connected therewith, for the passage thereon of carriages properly constructed; that is to say, commencing at some convenient point in Kingston, and terminating at or near the foot of Stoney-Hill, in the parish of Saint Andrew, with such intermediate stations as may be determined on in the progress of the work.

and to make and maintain a railway, &c.

Third—The said company shall, and they are hereby required, to commence the said line of railroad on or before the thirty first day of December, one thousand eight hundred and sixty-two, and to complete the same so as to commence operations thereon in the carrying of passengers, produce, and goods, and other articles and things, in a safe and proper manner, on or before the thirty-first day of December, one thousand eight hundred and sixty-four; and, in the event of failure in either case, this act, and all advantages to accrue therefrom to the said company, shall cease and determine, without remedy on their part, unless by the sanction or consent of the legislature of this island had and obtained as to time and otherwise.

which must be commenced before 31st Dec. 1862, and completed before the 31st Dec. 1864.

Fourth—In consideration of the heavy outlay of the said company in the undertaking, and also of other privileges and advantages to the public as hereinafter provided, the said company shall have the exclusive right of railroad of the said line of road between Kingston and the foot of Stoney-Hill aforesaid, and along any branch railways constructed under the powers in this act contained: *Provided*, That the said company shall strictly and faithfully comply with, and carry into effect all and every the clauses, sections, provisions, and agreements in this act contained, or mentioned, and referred to, which are and ought to be performed and fulfilled on the part of the said company.

Exclusive right of railroad granted to the company.

Proviso.

Fifth—Before the said company shall be considered to be formed, or any of the powers of this act be in force, the amount required for making the said railway shall be subscribed for, and five pounds *per centum* on such subscribed capital shall be paid up, and the due and regular payment of the remainder of such subscribed capital, for the purposes of this act, shall be secured by some proper and sufficient deed, under seal, executed by the subscribers to, and the shareholders in, the said company, and the

Which must not be considered as formed until the amount required is subscribed for, and five per cent. thereof paid up.

same

same (duly proved as to the signature and execution of the parties,) or a certified copy of such deed, with proof that the original was duly executed by the parties thereto, shall have been placed upon record in the office of the secretary of this island, and such record shall be evidence in all cases.

It may raise, among the parties composing it, £30,000, in 6000 shares of £5 each,

Sixth—It shall be lawful for the said company to raise, amongst themselves, the money for making the said railway and other works by this act authorized, not exceeding the sum of thirty thousand pounds, the whole to be divided into six thousand shares of five pounds each, and such six thousand shares to be numbered, beginning with number one, in arithmetical progression; and every such share shall be distinguished by the number to be applied to the same; and the said shares shall be, and are hereby vested in, the several parties so raising the same, and their several and respective successors, executors, administrators, and assigns, to their proper use and benefit, proportionately to the sums they shall severally contribute; and all persons, and their several and respective successors, executors, administrators, and assigns, who shall severally subscribe for one or more share or shares, or such sum as shall be demanded in lieu thereof towards carrying on and completing the said undertaking, and other the purposes of the said subscription, shall be entitled to, and receive (at such time as the said company, or the directors of the said company, to be appointed as herein mentioned or provided, shall direct and appoint), in proportionable parts according to the respective sums so by them respectively paid, the net profits and advantages which shall arise or accrue by the rates, tolls, and other sums of money to be raised, recovered, or received by the said company under this act, as when the same shall be divided by the authority of this act; and every person having such property in the said undertaking as aforesaid shall bear and pay a proportionable sum towards carrying on the same, to the full amount of their respective shares in the said undertaking, but not further or otherwise: *Provided*, That the said company shall be at liberty, for the purposes aforesaid, if required, to raise a further sum, by way of capital, of thirty thousand pounds, to be divided into six thousand other shares, at five pounds each, to be numbered in like manner as the first six thousand shares, and to be issuable by the directors of the said company, to be hereafter appointed, on such terms and conditions as shall be set forth and provided in the deed of settlement, to be executed by virtue hereof, for the arrangement and regulation of the said company, as by the order of any general or special meeting of the said company shall be determined.

and a further sum of £30,000, if requisite,

farm the rates, or the railway, for any period not exceeding 40 years,

Seventh—It shall be lawful for the said company, by writing under the common seal of the said company, at any time to let, to farm

farm the rates, tolls, and sums hereby made payable, or any part thereof (or the said intended line of railway, with the buildings, carriages, engines, trucks, and other things thereunto appertaining or belonging, unto any company or person, for any term which the said company or the said directors shall think proper, not exceeding forty years from the commencement of any such lease, and to commence in possession upon or within three calendar months next after granting the same; and every such lease shall be valid and effectual; and the respective lessees thereof, and also such person as such lessees shall appoint to collect and receive the rates, tolls, or sums so let, or to manage the said line of railway, shall, during the continuance of every such lease, be deemed collectors of the rates, tolls, or sums so let, and manager of the said railway, but for the proper use of the lessees, and shall have the same power and authority for the collecting and recovering the same rates, tolls, or sums, or for managing the said railway, as if they had been appointed for that purpose by the said company: *Provided*, That public notice of the intention to let the said railway, with its buildings, carriages, engines, trucks, and other things as aforesaid, or the said rates, tolls, and sums, and the part thereof intended to be let, shall be given in writing by the said directors, or by the clerk of the said company, by advertisement published in some two or more island newspapers, at least fifteen days prior to any general meeting at which it may be intended or proposed that the said railway, with its buildings, carriages, engines, trucks, and other things as aforesaid, or the rates, tolls, or sums, or any part thereof, shall be let as aforesaid.

giving public notice of the intention to let the railway.

Eighth—In case the said line of railway, with the buildings, carriages, trucks, engines, and other things belonging or appertaining thereto, or any of the rates, tolls, or sums arising by virtue of this act, shall be demised or let to farm to any person in any manner whatsoever, and the lessee or farmer thereof shall neglect or refuse to perform the terms and conditions on which the same shall be so demised or let, or any of them; or, in case all or any part of any rent agreed to be paid by such lessee or farmer shall be in arrear or unpaid, by the space of thirty days next after any of the days on which the same ought to be paid, pursuant to the lease, agreement, or contract for demising or letting the same rates, tolls, or sums; or in case any temporary or other collector of any of the said rates, tolls, or sums shall be discharged from his office by virtue of this act, or shall die, abscond, or absent himself, and any such collector who shall be so discharged, or the wife, widow, or any of the children or family, or any representative of any such collector who shall die, abscond, absent himself, or be discharged, or any other person, being in possession thereof, shall refuse to deliver up, or shall not deliver up possession

Upon default of performance of conditions, or payment of rent, or refusal to deliver up possession of any toll house, &c. a justice of the peace may order a constable to enter upon and take possession of the railway, &c.

N n

sion

sion of any toll-house, weighing machine, or other building with the appertenances thereto respectively belonging, to be erected or provided under the powers of this act, for the said line of railway, or any carriage, engine, truck, or other things belonging to the said line of railway, for or within the space of three days after demand thereof made in writing, given or left at such toll-house, weighing machine, or building, or at any of such toll-houses, weighing machines, or buildings, which shall be, or have been in the possession or occupation of such collector or other person, such demand, in writing, to be signed by any two or more of the said directors (although not assembled at a meeting), or by the clerk or treasurer for the time being of the said company, or, in case any such lease, agreement, or contract shall in any manner become void or voidable, then, and in any of the said cases, it shall be lawful for any justice of the peace, acting within his jurisdiction, upon application made by the said directors, or by the clerk or treasurer for the time being of the said company, by warrant under his hand and seal, to order any constable or peace-officer, with such assistance as shall be necessary to enter upon and take possession of the said railway, with its buildings, carriages, engines, trucks, and other things belonging thereto, or of every or any such toll-house, weighing machine, or other building, with the appurtenances thereto belonging, and to remove and put such lessee, or farmer, or other person who shall be found therein or thereon, together with his goods, from and out of the same, and the possession thereof, and from the collection of such rates, tolls, or sums, and to put the said company, or their agent, or their new lessee, farmer, or collector into the possession thereof; and thereupon it shall be lawful for the said directors, if they shall see fit, to vacate and determine the lease, contract, or agreement, if any, which was previously subsisting, and the same shall accordingly be utterly void to all intents and purposes, save as to the covenants and agreements for payment of the rent thereby reserved, or otherwise unperformed, or broken obligations, covenants, or agreements, on the lessee's part; and it shall be lawful for the said directors, in every such case, either during such proceedings, or on the termination thereof, again to demise or let to farm, the said estates, tolls, and sums, or the said line of railway, with its buildings, carriages, engines, trucks, and other things thereto belonging or appertaining to any other person, or cause the same to be managed or collected in such and the same manner as if no former demise, contract, or agreement had been made relative thereto.

and put the company into possession, who may vacate the lease, and again let the railway.

The lands to be taken for the railway shall not exceed 22 yards in breadth, except in certain cases.

Ninth—That the lands to be taken or used for the line of the said railway shall not exceed twenty two yards in breadth, except in places in which a greater breadth shall be judged necessary for an approach

approach to the railway, or for carriages to turn, remain, or pass each other, or for raising embankments for crossing valleys or low grounds, or incuttings, and not above sixty yards in any place except at or near to the *termini* of Kingston, and near the foot of Soney-Hill, and at all intermediate stations for warehouses and other buildings, unless with the consent, in writing, of the owners or occupiers of, or persons interested in any lands, tenements, or hereditaments which the said company shall be desirous of approaching, in order to, and for the purpose of, obtaining greater space for the purposes of this act.

Tenth—That in all cases where the said railway shall cross any road, street, way, or lane, or other passage or place on a level, the said company shall erect, and at all times maintain a good and sufficient gate on each side of the said railway, at the crossing of such road, street, way, lane, or other passage or place, all which gates shall be so constructed as that when open to the line of railway they should be shut to the road or path crossing the line, and be constantly kept shut to the line of railway, by some person to be appointed by the said company (and which person the said company is hereby required to appoint), except during the times when a train is passing along the said line of railway, and then the same shall be opened for the purpose only of letting such train pass through, and the persons entrusted with the care of such gate shall cause every such gate to be shut to the line as soon as such train shall have passed through the same, under the penalty of five pounds for every default therein.

Where the railway shall cross a road, &c. gates must be erected and maintained.

Eleventh—After any lands, tenements, or hereditaments intended to be taken or used for the purposes or uses of this act shall have been set out and ascertained, it shall be lawful for all bodies politic, corporate, or collegiate, ecclesiastical, or civil corporations, aggregate or sole tenants for life or in tail, or for any other partial or qualified estate, or interest, husbands, guardians, trustees, feoffees in trust for charitable and other purposes, executors, administrators, committees, and all trustees and persons whomsoever, not only for and on behalf of themselves, their heirs, and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy, if incapacitated; and as to such husbands and guardians, also for and on behalf of their wives and wards; and as to such committees, also for and on behalf of the lunatics and idiots of whom they shall be the committees respectively; and as to all such bodies politic, corporate, or collegiate, corporations, tenants trustees, and feoffees in trust, executors, administrators, and other persons as aforesaid; also for and on behalf of their *cestuique trusts*, whether infants, issue unborn, lunatics, idiots, *feme coverts*, or other persons; and

After lands taken for the railway are set out, bodies politic, &c. may contract for the sale thereof to the company.

whatsoever, and all persons shall have liberty to inspect the same, paying for such inspection the sum of one shilling, and also to take and make copies thereof, paying for every copy after the rate of six pence for every one hundred and sixty words so copied, and the originals shall be kept by the clerk of the peace of the parish or precinct in which the matter of dispute shall have arisen amongst the records of his office.

Thirteenth—That in case any person, to whom any money shall be awarded for the purchase of any lands, tenements, or hereditaments, to be purchased, taken, or used under or by virtue of the powers of this act, shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good title to the premises for the purposes of this act, or shall be absent from the said island, or cannot be found, or if any person entitled unto, or to convey such lands, tenements, or hereditaments be not known or discovered, or be not shewn so to be to the satisfaction of the said company, or be absent from the said island, then, and in every such case, it shall be lawful for the said company to order the money, so awarded as aforesaid, to be paid into the office of the receiver-general aforesaid, and in his name to be placed to his account to the credit of the parties interested in the said lands, tenements, or hereditaments, (describing them so far as the said company can do so), subject to the control and disposition of the supreme or circuit court, having reference to the parish in which the land shall be situate, which said court, on the application of any person making claim to such money, or to any part thereof, by petition, is hereby empowered, in a summary way of proceeding (as to such court shall seem meet), to order the same to be laid out and invested in the public funds, and to order distribution thereof, or payment of dividends thereof, according to the respective estates, titles, or interests of the parties making claim thereto, and to make such other order in the premises as to the said court shall seem proper; and the receiver general, who shall receive such money, is hereby required to give a receipt for such money, mentioning and specifying therein for what and for whose use (described as aforesaid), the same is received, to the said company, or to any person paying any money into his office under or pursuant to this act.

Monies awarded for purchase of lands in certain cases to be paid into the hands of the receiver-general, and placed to credit of parties interested in such lands.

Supreme or circuit court may order distribution of same in a summary manner.

Fourteenth—That the said company shall, and they are hereby required to cause the name of the several bodies, and the names and additions of the several persons who respectively shall be entitled to shares in the said undertaking with the number of shares which they are then respectively entitled to hold, and the amount of the subscriptions paid thereon, and also the proper number by which every share shall be distinguished, to be fairly and

Names of shareholders, &c. with number of shares, &c. to be entered in a book to be kept for this purpose, and a certificate thereof delivered to each shareholder.

Certificate to be evidence of title.

and distinctly entered into a book, to be kept by the clerk of the company; and, after each entry made, to cause a certificate or ticket under the hands of two of the said directors, or with the common seal of the said company affixed thereto, to be delivered to every such subscriber on demand, specifying the share or shares to which he is entitled in the said undertaking, such proprietor paying to the clerk to the said company no more than two shillings and six pence for every such certificate or ticket, and such certificate or ticket shall be admitted in all courts whatever as *prima facie* evidence of the title of such respective subscribers, their successors, administrators, or assigns, to the share or shares therein specified; but the want of such certificate or ticket shall not hinder or prevent the proprietors of any of the said shares from selling or disposing thereof, and such certificate or ticket may be in words or to the effect following; that is to say,

Form of certificate.

"THE PEOPLE'S RAILWAY."

"By virtue of an act of the legislature of the island of Jamaica, made and passed in the twenty-fifth year of the reign of her majesty queen Victoria, entitled 'An act for making and maintaining a railway from Kingston to Stoney-Hill, and for other purposes.'

"Number

"These are to certify, That A. B. of is a proprietor of the share (or shares) number of 'THE PEOPLE'S RAILWAY,' subject to the rules, regulations, and orders of the said company, as well under the said act as under the deed of settlement, duly signed by him, and that he, the said A. B. his executors, administrators, [or successors,] and assigns, is and are entitled to the profits of such share [or shares]."

"Given under my hand [or under the common seal of the said company], this day of in the year of our Lord, one thousand eight hundred and sixty ."

Amount of shares to be payable in weekly instalments of two shillings.

directors to fix the time for the first and all subsequent payments, notice of which must be given.

Fifteenth—That the amount of five pounds for each share in the said undertaking shall be payable in weekly instalments of two shillings for fifty consecutive weeks after the payment of the first instalment thereof; and it shall be lawful for the said directors, and they are hereby required, so soon after the passing of this act as the said directors shall think fit, to fix the time and place for the first of such payment, and all subsequent payments to be made; and the clerk of the company shall immediately give notice thereof to the shareholders and proprietors of the said undertaking, by circular addressed to each such subscriber and proprietor, the placing of such circular in the post office nearest to the residence

residence of such clerk to be considered legal or sufficient delivery thereof; and such subscriber and proprietor shall commence and pay his rateable proportion of such first call of two shillings per share, and the further sum of two shillings per week on each share for forty-nine executive [*consecutive*] weeks immediately following upon the date of such first payment to such persons, and at such times and places, and in such manner as the said directors shall from time to time direct and appoint; and if any owner of such share shall not so pay such his rateable proportion, then in such case, and so often as the same shall happen, such owner shall pay interest for the same after the rate of five pounds *per centum per annum* from the days appointed for the payment of each weekly instalment thereof up to the time when the same shall be actually paid; and if any owner of any such share shall neglect or refuse so to pay such his rateable proportion, together with the interest for the same, for the space of five weeks, then it shall be lawful for the said directors, in the name of the said company, to sue for and recover the same in any of her majesty's courts of record, by action of debt, or the said directors may, and they are hereby authorized to declare the shares belonging to any person so refusing or neglecting to pay any such calls, together with interest in manner last aforesaid; and all monies, by way of deposits, calls, or otherwise, paid thereon respectively to be forfeited, and subject to be sold in manner hereinafter directed: *Provided nevertheless*, That no advantage shall be taken of any forfeiture of any share in the said undertaking until notice, in writing, under the hand of the treasurer or clerk of the said company, of such share having been declared by the said directors forfeited shall have been given, or sent by the post unto, or left at the last known usual place of abode of the owner of such share or shares, nor until the declaration of forfeiture of the said directors shall have been confirmed either at a general meeting of the said company, or at a special general meeting of the said company, to be called for that purpose, and to be respectively held after the expiration of three weeks at the least from the day on which such notice of forfeiture shall be proved to have been given; and, after such forfeiture shall have been confirmed by such general meeting, or special general meeting, the said company shall have power to direct the said directors to dispose of the shares so forfeited; and the said directors shall exercise the same powers in respect of the additional capital of thirty thousand pounds, authorized to be raised under this act, and such capital shall be payable in the same manner, and subject to the same provisions, as in this act contained relative to the original capital of thirty thousand pounds.

Interest payable on over due calls, which may be sued for, and shares forfeited.

Proviso.

Sixteenth—That in any action to be brought by the said company

In an action against a proprietor it will be

sufficient to aver that the defendant is indebted to the company for calls in arrear, &c.

Evidence of proprietorship.

Proprietors may sell shares, subject to rules, &c.

Form of transfer.

pany against any proprietor of any share in the said undertaking, to recover any money due and payable to the said company for or by reason of any call made by virtue of this act, it shall be sufficient for the said company to declare and allege that the defendant, being a proprietor of so many shares in the said undertaking, is indebted to the said company in such sum of money as the calls in arrear shall amount to, for so many calls of such sums of money upon so many shares belonging to the said defendant, whereby an action hath accrued to the said company by virtue of this act, and the said company shall thereupon be entitled to recover what shall appear due, including interest, computed as aforesaid on such calls, unless it shall appear that any such call exceeded two shillings for every share of five pounds *per week*, or was made without notice given, by circular, as aforesaid; and, in order to prove that such defendant was a proprietor, the production of the book in which the clerk of the said company is by this act directed to enter and keep the names and additions of the several proprietors of shares in the said undertaking, with the number of shares they are respectively entitled to hold, and of the locality or places of abode of the several proprietors of the said undertaking, and of the several persons and bodies who shall from time to time become proprietors thereof, or be entitled to any share therein, shall be *prima facie* evidence that such defendant is a proprietor, and of the number and amount of his share therein.

Seventeenth—That it shall be lawful for the several proprietors of shares in the said undertaking, and their respective successors, executors, administrators, and assigns, to sell and dispose of any shares to which they shall be entitled therein, subject to the rules and conditions herein mentioned; and the form of transfer of the shares may be in the following words, or to the like effect, varying the names and descriptions of the contracting parties as the case may require:

“ I, A. B. of *in consideration of the sum of*
paid to me by C. D. of do hereby
 assign and transfer unto the said C. D. share (or
 shares, as the case may be), numbered of and in the
 undertaking, called the ‘THE PEOPLE’S RAILWAY,’ to hold
 unto the said C. D. his executors, administrators, and as-
 signs (or successors and assigns), subject to the same condi-
 tions as I held the same immediately before the execution
 hercof, and I, the said C. D. do hereby agree to accept and
 take the said share (or shares), subject to the same condi-
 tions, and to sign the deed of settlement of the said company,
 when required so to do, as witness our hands the day
 of one thousand eight hundred and sixty
 And

And on every such sale the deed or transfer (being executed by the seller and purchaser of such share), a minute thereof shall be taken and kept by the clerk of the said company, who shall enter the same in some book to be kept for that purpose, and endorse the entry of such minute on the said deed of sale or transfer, for which no more than two shillings and six pence shall be paid, and the said clerk is hereby required to make such entry or memorial accordingly; and, on request, a certificate of each transfer shall be delivered by him to the purchaser for his security, and for which certificate no more than two shillings and six pence shall be paid; and until such memorial shall have been made and entered as above directed, each purchaser shall have no part or share of the profits of the said undertaking, nor any interest for such share paid him, nor any vote in respect thereof as a proprietor of the said undertaking.

clerk to enter transfer in a book.

Eighteenth—That it shall be lawful for the said directors from time to time to make such orders, bye-laws, and regulations as they shall think proper, for or relating to carriages passing upon the said railway, and also for the loading thereof respectively, and for passing upon, or using the said railway, and also for the delivery of all cattle, animals, or other live or dead stock, and of all articles, matters, or things which shall be conveyed in or upon such carriages, and generally for working such railway and other work by this act authorized; and all such orders and regulations shall be submitted to a court of petty sessions of the peace, to be held in the parish of Saint Andrew, acting within the jurisdiction, not being proprietors of the said company; and, when ratified by such justices, shall be binding upon, and be conformed to by the said directors, and by all owners of, and persons having the care or conduct of such respective carriages, and by all persons working such railway or other works as aforesaid, upon pain of forfeiting a sum not exceeding ten pounds for every default.

Directors may make bye-laws and regulations for management of railway.

which must be ratified by justices in petty sessions.

Nineteenth—That it shall and may be lawful for the custos, or senior magistrate of the parish of Kingston, or for the custos or senior magistrate of the parish of Saint Andrew respectively for the time being, and one or more justice or justices of either parish, acting within their jurisdiction, from time to time to appoint such fit and proper persons as shall be nominated by the manager or treasurer, or any three of the directors of the said company for that purpose, to be special constables within the said railway, and other works, and every or any part thereof; and every person, so appointed, shall make a declaration in due form of law, before one of the said justices (who is authorized and required to administer the same), duly to execute the said office of constable for the said premises; and every person, so appointed, and

Custos of Kingston and Saint Andrew, &c. to appoint persons to be special constables within the railway, &c. who must make declaration, and be paid by the company.

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ed in the twenty-fifth year of the reign of her majesty queen Victoria, entitled (here insert the title of this act).

*Given under my hand and seal, (or our hands and seals),
the day and year first above written.*

Twenty-first—That all the privileges, powers, exemptions, provisions, duties, liabilities, stipulations, agreements, matters, and things contained in the fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, sixteenth, eighteenth, twentieth, twenty-first, twenty second, twenty third, twenty fourth, twenty fifth, twenty-sixth, twenty seventh, twenty-eighth, twenty-ninth, thirty first, thirty second, thirty third, thirty fourth, thirty-fifth, thirty-sixth, thirty seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, fifty-first, fifty-second, fifty-fourth, fifty-ninth, sixtieth, sixty-first, sixty third, sixty-fifth, sixty-sixth, sixty seventh, sixty-ninth, seventieth, seventy-first, seventy-second, seventy-third, seventy-fifth, seventy-seventh, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, eighty-sixth, eighty-seventh, eighty-eighth, eighty-ninth, ninetieth, ninety-second, ninety third, ninety-fourth, ninety-fifth, ninety sixth, ninety seventh, ninety-eighth, ninety-ninth, one hundredth, one hundred and first, one hundred and second, one hundred and third, one hundred and fourth, one hundred and fifth, one hundred and sixth, one hundred and seventh, one hundred and ninth, one hundred and eleventh, one hundred and twelfth, one hundred and thirteenth, one hundred and fourteenth, one hundred and sixteenth, one hundred and eighteenth, one hundred and twentieth, one hundred and twenty-first, one hundred and twenty-second, one hundred and twenty third, one hundred and twenty-fourth, and one hundred and twenty-sixth sections or clauses of the act, passed in the seventh year of the reign of her present majesty, chapter twenty-five, entitled "*An act for making and maintaining a railway from Kingston to Spanish-Town, with liberty to continue the same to the Angel's pen or plantation, situate in the parish of St Catherine, and for other purposes;*" and also the first, second, third, and fourth clauses of the act, passed in the eighth year of the reign of her present majesty, chapter twelve, entitled "*An act for the protection of the public, by amending an act of the legislature, passed in the seventh year of the reign of her majesty queen Victoria, chapter twenty-five, entitled 'An act for making and maintaining a railroad from Kingston to Spanish-Town, with liberty to continue the same to the Angel's pen or plantation, situate in the parish of St. Catherine, and for other purposes,'*" shall operate and be in force in reference to the line of railway hereby authorized to be made, as fully and effectually as if the same sections or clauses of the said recited acts had been

Privileges and powers contained in certain clauses of 7 Vic. cap. 25,

and 8 Vic. cap. 12, to operate and be in force.

proviso.

been re-enacted in this act, and had specific reference thereto : *Provided*, Notwithstanding any repeal or amendment of the said recited acts, the same shall remain, as at present enacted, in full force and virtue for the purposes hereof.

Tolls may be reduced and increased by the company,

Twenty-second—That it shall be lawful for the said company, from time to time, and as often as they shall think fit, to reduce all or any of the rates, tolls, or sums by this act authorized to be taken as herein provided for, and afterwards from time to time again to raise the same, or any of them, so that the same shall not at any time exceed the amount by this act authorized.

which shall carry passengers and goods at such rates as it shall fix, with power to detain goods in payment of charge for carriage.

Twenty-third—That it shall be lawful for the company, and they are hereby authorized to carry and convey upon the said railway, all such passengers, produce of all sorts, goods, articles, matters, and things, and all such cattle, and other animals as shall be offered to them for that purpose, and to demand, receive, and recover to and for the use and benefit of the said company, for such carriage and conveyance as aforesaid of all passengers, goods, articles, matters, and things, cattle, animals, and persons carried and conveyed upon the same, in addition to the several rates and tolls hereinbefore authorized to be charged and received, such sum of money as the said company, or the said directors may, from time to time fix and require, and the said company shall have and be entitled to exercise a general lien in respect of the carriage and conveyance of all produce, goods, articles, matters, and things, and all cattle, and other animals carried and conveyed by the said company, and shall and may seize and detain any produce, goods, articles, matters, or things, cattle, or other animals carried and conveyed by them, not only for the carriage and conveyance of the particular produce, goods, articles, matters, or things, cattle, or other animals, but also of any other produce, goods, matters, or things, cattle, or other animals, at any time or times theretofore carried and conveyed by the said company, and the price or charges for carriage and conveyance of which shall be then due or owing to the said company from the person or persons by or to whom the same shall be addressed, until payment shall be made, as well for any such general balance or sum as of the sum due for the carriage of the article seized, together with reasonable charges for such seizure and detention; and if any such articles, matters, or things as aforesaid shall be seized and detained for the causes aforesaid, and shall not be redeemed within ten days after the taking thereof, the same may be appraised and sold as the law directs in the case of distresses for rent; and, in case any dispute shall arise concerning the amount, and for carriage, and concerning the charges occasioned by any such seizure, or distress, such dispute shall be ascertained

certained and determined in the manner herein provided in cases of dispute respecting rates and tolls due to the company, and the justice determining such dispute shall have the like power to award and enforce the payment of the costs of any application hereunder, as is herein given in the cases aforesaid.

Twenty-fourth—Where several warrants shall be delivered at one time to the provost marshal-general, or his lawful deputy, or the person so specially appointed, it shall not be necessary to empanel, summon, or return and hold more than one and the same jury of twenty-four in number, in and for and in respect of each separate parish wherein lands may be situate, which may be required for the purpose of this act, although the same lands may severally belong to different owners, lessees, and occupiers respectively, and one such jury in and for each such parish shall be sufficient for valuing, and shall have and be entitled to fulfil and exercise all and every the several powers of enquiring, assessing, ascertaining, and giving verdicts as to the valuing and assessing all such lands situate in one parish, between all and every the several owners, lessees, and occupiers thereof respectively, and the said company, and the several verdicts of such one jury, to be respectively given between the said parties respectively, and the judgments of a justice or justices, to be pronounced and given thereon, shall be binding, effectual, and conclusive: *Provided*, That it shall not be necessary to summon a separate jury in respect of any such lands situate in the city and parish, or in the parish of Kingston, and that the jury for the parish of Saint Andrew shall have and exercise all and every the powers hereby conferred in respect of such lands situate in the said city and parish, or parish of Kingston, and that the verdict of such jury, and the judgment of a justice or justices for the parish of Saint Andrew, to be pronounced and given thereon, shall be binding, effectual, and conclusive.

One jury may be summoned although several warrants be delivered to the provost-marshal for valuing lands.

Provided.

Twenty-fifth—Whereas the said undertaking is likely to prove of great benefit to the island by arousing a feeling of self reliance among the people; and, in order therefore to give it encouragement, *Be it enacted by the authority aforesaid*, That all materials, goods, matters, and things whatsoever, which shall be imported for the use or establishment of the said rail road, shall be allowed to enter free of any import duties or imposts whatever.

Materials for making the railway to be entered free of duty.

Twenty-sixth—That it shall be lawful for the said company to contract, as in this act provided, with or to any person or persons, notwithstanding that such person or persons may be members of such corporation, and actions at law, and suits on such contracts, may be maintained, and damages and costs recovered by or against

Company may contract with persons who are members thereof.

against the said company, or by or against any other party there-
to failing in the execution thereof, as effectually as if such con-
tracts had been entered into with strangers, any law, usage, or
custom to the contrary thereof in anywise notwithstanding.

Statement of number
of passengers, &c. to
be published quarter-
ly.

Twenty-seventh—That the said company shall publish, or cause
to be published once at least in the Jamaica Gazette, by authority,
or other official medium of advertisement for the time being,
quarterly, and every quarter, a true and correct statement and
account of the number of passengers, carriages, horses, mules,
asses, neat cattle, sheep, goats, and pigs, and the number of tons
weight of goods, wares, and merchandize, carried or conveyed by
such company during such quarter, under a penalty of twenty
pounds for each refusal or neglect, which penalty shall be
recovered in a summary manner before any two justices of the
peace for the said parish of Kingston, by distress and sale of the
company's goods and chattels.

This act to be deemed
a public one.

Twenty-eighth—This act shall be deemed and taken to be a
public act, and shall be judicially taken notice of as such by all
judges, justices, and others, and be pleaded in any of the courts of
this island.

Short title thereof.

Twenty-ninth—This act may be cited as "THE PEOPLE'S RAIL-
WAY ACT, 1862."

C A P. XXXIII.

An act to provide for the collection of taxes. -

Preamble.

WHEREAS it is expedient to provide for the better col-
lection of taxes within this island : *Be it enacted by the
governor, legislative council, and assembly of this island, and by
the authority of the same, as follows :*

Short title of act.

First—This act may, for all purposes, be cited as "THE
TAX COLLECTION ACT, 1862."

COLLECTOR OF DUES, AND HIS DUTIES.

Taxes to be collected
by the clerk of the
vestry, or other person
appointed by the go-
vernor.

Second—All taxes imposed under the authority of any act
now or hereafter to be in force, not otherwise providing for
the collection thereof (except arrears outstanding on the rolls
of collectors of taxes, or of arrears), shall be collected by the
clerk of the vestry of the parish in which the same is to be
collected, or by some other person appointed, or to be appoint-
ed by the governor for the purpose, and the clerk of the ves-
try,

try, or the person so appointed, shall be called "COLLECTOR OF DUES," and the governor may, from time to time dismiss any collector of dues for any misconduct in his office; and, in case of a clerk of the vestry being collector of dues, divest him of such last mentioned office for misconduct, and appoint some other person in his place: *Provided*, That any clerk of the vestry, who, at the time of the passing of this act, shall hold the office of collector of dues, shall continue to do so unless discharged from such last-mentioned office for misconduct in office.

Title of the officer, who may be dismissed for misconduct.

Proviso.

Third—Every collector of dues shall, on the twenty-fifth day of September, or within five days after, and on the last day of each other month, or within five days thereafter, respectively make a return of and pay over to the receiver general, all monies received by him during and up to the respective dates of making such returns, and every such return shall be in writing, and in the form to be prescribed and supplied by the executive committee, or the receiver-general.

Collector of dues to make returns at particular periods, and pay over monies to receiver-general.

Fourth—For every neglect of duty, not otherwise herein or by any other act provided, the collector of dues shall forfeit and pay a fine not exceeding ten pounds, nor less than five pounds.

Penalty for neglect of duty.

Fifth—Every collector of dues shall be entitled to retain in the first instance a commission of five pounds *per cent.* on all monies collected by him and paid over to the receiver-general, and to be paid by the receiver-general a salary of forty pounds *per annum*, and a further commission of one *per cent.* on the monies paid over to the receiver-general.

Collector of dues entitled to a commission of 6 per cent. and salary of £40, &c.

Sixth—Every collector of dues, on removal from office, shall forthwith deliver to the receiver-general true accounts, in writing, verified on oath before a justice of the peace, of all monies collected by him since the period to which he shall have last previously accounted, and also of all to his knowledge remaining due and uncollected by him, and the names of the persons who, and the amounts in which, and the particular description of property in respect of which they are indebted, and shall also pay over to the receiver-general all monies in his hands, in failure whereof the clerk of the peace of the parish, upon receipt of a certificate from the receiver-general that such removed collector of dues hath failed to comply with the requirements of this act, shall procure the warrant of a justice of the peace to apprehend and bring such defaulter before any two justices of the peace, who, upon production and

On removal from office he must deliver accounts of monies collected, and outstanding, and pay over all monies in his hands.

Proceedings in case of default.

and inspection of such certificate, and in the absence of proof to their satisfaction that the requirements of the law have been complied with, shall commit the offender to the common gaol, there to remain without bail or mainprize, until he shall have given such accounts, and made such payment.

A collector of dues may, with consent of his sureties, appoint a deputy.

Seventh—Every collector of dues may, at his own expense, in case of ill health, or absence on leave, appoint, with the consent of his sureties, a deputy, who shall perform the duties, and exercise the powers and functions of his office, and may revoke any such appointment: *Provided*, That the name of such deputy shall be publicly exhibited in the office of the collector of dues, and the said collector of dues, and his sureties, shall be responsible for all acts, defaults, and omissions of any such deputy.

Liabilities of collector of dues, and sureties, to cease on the death, &c. of that officer, except in certain respects.

Eighth—Upon the death or removal from office of any collector of dues, the liabilities of himself and sureties, under his or their bond or bonds, shall cease, except in respect of any defaults previously to his death or removal, and the collector of dues shall be deemed to have been in default in any case in which, within his knowledge, any tax, or any instalment thereof had fallen due, and payment thereof might have been enforced previously to his death or removal, upon proof being given that the same could have been collected or enforced previously to his death or removal.

Collector of dues must give notice of rates of taxes, &c.

Ninth—The collector of dues of each parish shall give public notice of the rates of taxes, and of the times of payment thereof, in such form and manner as the executive committee shall direct.

Information respecting the provisions of this act,

Tenth—The collector of dues shall give such information and assistance, with reference to the provisions of this act, as may be required from him by any taxpayer.

and of taxes due by parties entitled to receive money from the receiver-general.

Eleventh—The collector of dues shall notify to the receiver-general the name of every person in arrear of taxes, who shall be the recipient of any public or parochial salary, or entitled to any money payable out of the public treasury; and thereupon the receiver-general shall retain thereout the amount of such taxes.

SECURITY FOR PERFORMANCE OF DUTIES.

He must give security in such sum as the executive committee may fix.

Twelfth—Every collector of dues, before he in any way act in his office, and within the time to be appointed by the executive

tive

tive committee, shall enter into a joint and several bond with two or more sureties, (who may limit the amount of their respective liabilities thereunder), and in the sum to be respectively approved of and fixed by the executive committee, and to be conditioned and otherwise to be in the form, or to the effect prescribed in schedule A, to this act annexed, and the executive committee may at any time require any now or further security to be given by any collector of dues.

Thirteenth—The present collector of dues shall, within the time to be fixed by the executive committee, enter into fresh bond as aforesaid, under the provisions of this act; and if any person already or hereafter to be appointed collector of dues shall fail to give the security required within the time prescribed, the governor may make a fresh appointment to such office.

Present collector of dues to enter into fresh bond.

Fourteenth—Each surety shall subscribe a declaration, in writing, before a justice of the peace, that he is worth the sum of money for which he proposes to be such surety, over and above all his just debts and liabilities, and such declaration shall be written at the foot of, or endorsed on, the security bond.

Each surety to subscribe a declaration &c.

Fifteenth—Every such bond shall, within the time to be appointed for giving security, be proved by the subscribing witness, and delivered to the receiver-general, to be forthwith recorded in the secretary's office at the public expense; and no such bond shall be subject to any stamp duty; and the production of every such bond, and the probate thereof, and declaration thereto, or the record thereof respectively, or an attested copy of such record, shall be sufficient *prima facie* evidence of its execution, without further proof of the subscribing witness, or otherwise.

Bonds to be proved and delivered to the receiver-general and recorded by him.

Sixteenth—The island secretary shall keep a separate book for recording bonds to the crown, and also an index thereto.

Book to be kept for recording same.

ENFORCEMENT OF SECURITY—PROCESS OF RECOVERY.

Seventeenth—In any action upon any security bond under this act, it shall suffice for assignment or suggestion of the breach or breaches of the condition of such bond to deliver particulars of breaches in the form B, hereunto annexed, or to the like effect, with alterations or additions as the case may require; and the jury, before whom the same shall be tried, shall assess the damages incurred, and allow interest thereon

How breaches of condition may be suggested in actions on bonds.

and damages shall be assessed,

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from

from the first day of the court in which the same shall be assessed, at the rate of ten pounds *per centum per annum*; and, upon any further breach, the same shall from time to time be suggested, and further damages assessed, and interest at the rate aforesaid allowed thereon, in like manner as herein provided; and, upon every such action the defendant shall be entitled, with leave of the court, to plead several pleas.

defendant may plead several pleas.

Lands of collector of dues, and sureties, charged upon the filing of a declaration, &c.

Eighteenth—Immediately upon the filing of any declaration, and on entry thereof made by the clerk of the court, in a book to be kept for that purpose, against any collector of dues, his heirs, executors, or administrators, or any surety, upon any such security bond, all the lands, tenements, and hereditaments of, or to which any such person, his heirs, executors, administrators, or assigns shall, at the time of filing such declaration, or at any time afterwards be seized, possessed, or entitled for any estate or interest whatever at law or in equity, whether in possession, reversion, remainder, or expectancy, or over which such person shall have any disposing power, shall be charged with and bound by the said bond, and all damages thereafter to be assessed in respect thereof, as fully and effectually as if a judgment had been entered up, and registered thereon in the supreme court.

Collector of dues may be arrested, and his goods seized in case of neglect to pay money over.

Nineteenth—Upon affidavit, shewing that any collector of dues hath neglected to pay or account for any sum of money by him received, a judge of the supreme court may issue an attachment, to be tested as of the date of its issue, directed to the provost-marshal, or his deputy, authorizing him to arrest the person, and to seize and secure the goods, chattels, and personal property of such collector of dues wheresoever the same can be discovered and found; and, in case the accounts of such collector of dues shall not be duly delivered, or the monies detained by him shall not be paid or satisfied to the receiver-general within fourteen days after such seizure, or if the sale shall not be stayed by order of a judge, as next mentioned, the said provost-marshal, or his deputy, shall sell and dispose of all such goods, chattels, and personal property so seized as aforesaid, or such part thereof as may suffice to satisfy and pay the sum so due and unaccounted for, together with the costs of recovering the same; and the overplus, if any, shall be restored to the collector of dues, or person entitled thereto.

Goods may be sold.

He may be admitted to bail, and sale of goods stayed.

Twentieth—Any collector of dues against whom such attachment shall issue, may apply to a judge of the supreme court, upon affidavit, to be admitted to bail, or to stay the execution

execution of, or the sale under the said attachment, to enable him to make application to the supreme court to discharge the same, and the judge may make order accordingly.

Twenty-first—Upon full performance of the conditions of the bond of any collector of dues, and upon his discharge by the executive committee by certificate, in writing, the collector of dues, or his sureties, shall be entitled to have delivered up to them the bond or bonds entered into by such collector of dues, and also at the public expense to have satisfaction entered on the margin of the records respectively of the said bond, and of any judgment recovered thereon.

Bonds to be delivered up, and satisfaction entered thereon, upon performance of conditions.

PAYMENT AND ENFORCEMENT OF TAXES.

Twenty-second—Any person liable to taxes amounting to or exceeding the sum of four pounds shall, unless otherwise provided, be entitled to discharge the same in equal instalments on the tenth day of August and tenth day of February in each year.

Taxes of £4 may be paid in moieties.

Twenty-third—When only one moiety of the tax shall have been paid the remaining moiety shall, within ten days after the same falls due, be paid to the collector of dues by the party liable thereto; and, in default, any justice of the peace of the parish in which the same shall accrue shall, on the application of the collector of dues, issue his warrant without further notice, directing the recovery or enforcement of such second moiety, and of the costs thereon, to be charged on the same scale as the fees under the act of the first Victoria, chapter twenty-five, by distress of the goods and chattels of the person liable.

When second moiety is payable, and how payment is to be enforced.

Twenty-fourth—Every warrant to be issued for the enforcement of any tax, penalty, and costs, or either thereof, shall authorize and direct a distress, as well on all goods and chattels found upon the land or premises of the person liable, and which a landlord might distrain for rent in arrear, as on the goods and chattels of such person.

Warrants to direct distress on goods of person, &c.

Twenty-fifth—All sums due for land or house tax, and any penalty in relation thereto, and costs, are hereby declared to be charges not only against the person liable, but upon the land or premises in respect whereof the same shall be payable, and shall be enforced by warrant of distress as aforesaid: *Provided*, That in case of any such distress on the goods and chattels of any succeeding occupier for or on account of the

Taxes declared a lien on the land, &c.

Proviso.

taxes or duties due by a previous occupier, the person distrained on may deduct the amount so enforced from his next payment of rent.

Levies may be made on property in receivership, &c.

Twenty-sixth—The collector of dues may levy for taxes notwithstanding that the property in respect whereof the same shall be payable be in receivership in the court of chancery, or the party proceeded against be an officer of that court, without the necessity of any application to the court for that purpose.

and on monies, bonds, notes, &c.

Twenty-seventh—A distress or levy for taxes or penalties under this act may be made on any money, bonds, bills, notes, or other securities for money belonging to the person against whom such distress or levy shall be made; and the same shall be sold and disposed of under the provisions of this act, and, wherever necessary for the purpose of vesting the same in the purchaser thereof, the collector of dues shall assign or endorse such securities for money, without rendering himself liable thereby.

Person making distress not to be deemed a trespasser.

Twenty-eighth—The person making a distress hereunder shall not, by reason of any irregularity, be deemed a trespasser *ab initio*.

Land upon which the tax has not been paid for seven years or more may be sold to pay the tax, &c.

Twenty-ninth—Whenever any land tax shall be in arrear for the space of seven years or more consecutively, or otherwise, whether elapsed previously to or after the passing of this act, or partly before and partly after the passing thereof, the collector of dues of the parish wherein the land is situate shall give notice, in writing, to the proprietor or his representative that such land tax is in arrear; and such notice, containing an account of such land tax then due, may be served personally, or at the last known residence of the proprietor, or his representative in this island; and if the proprietor shall be an absentee, and unrepresented, the collector of dues shall give notice by advertisement, to be published for six months in the London Gazette, and in some other newspaper of large circulation in Great-Britain, and in the Jamaica Gazette by authority, and at least in one newspaper of large circulation, published in this island; and such notice shall set forth the locality and description of the land whereon such tax shall be in arrear, the name and description, so far as the same can be ascertained, of the proprietor, or last proprietor thereof, the amount of land tax so in arrear thereon, and that there is no known resident or represented proprietor thereof in this island, and that if the said arrear of land tax, and all further arrears,

and

and expenses, and charges shall not be paid to the collector of dues for the space of six months from the service of such notice in this island, or one year from the date of the first publication of the said notice in Great-Britain, the said land shall be liable to be sold by public outcry as hereinafter provided, in such quantities as shall produce a sufficient sum to pay the amount due for land tax, and the necessary expenses incurred in effecting such sale.

Thirtieth—The collector of dues in each parish, after the expiration of the notice aforesaid, shall advertize for sale in the Jamaica Gazette, by authority, or other paper of wide circulation, as the governor, in executive committee, shall direct, for four consecutive weeks, such parcel of the land in respect whereof such arrears of land tax shall be due as he shall deem sufficient for the payment of the sum due for such arrears; and the collector of dues shall have power to call in a licensed crown surveyor to survey and give diagrams of such lands so to be sold, who shall be paid for such survey, according to the scale of fees fixed by the surveyors' act then in force; and the collector of dues shall convey the land so sold, and every conveyance executed by the collector of dues under this act shall be effectual to pass the fee simple, and inheritance, and absolute interest of, and in the land thereby expressed to be conveyed, or such lesser estate or interest as may in such conveyance be specified, discharged from all former and other estates, rights, titles, charges, and incumbrances whatsoever of her majesty, her heirs and successors, and of all other persons whomsoever, and such conveyance shall be in the form following; that is to say,

How such lands shall be advertised for sale,

they may be surveyed.

Title from collector of dues shall pass the fee simple thereof.

FORM OF CONVEYANCE OF LAND SOLD BY COLLECTOR OF DUES

Form of conveyance



*This indenture, made the day of
one thousand eight hundred and sixty between
 collector of dues for the parish of
of the one part, and of the parish of
of the other part, witnesseth, That in consideration of the sum
of pounds, paid by the said
to the said collector of dues as aforesaid, as
the price of the lands hereinafter described and sold on the
day of last past, in satisfaction
of the land tax in arrear thereon up to the day of
 one*

one thousand eight hundred and
 pursuant to the provisions of the "TAX COLLECTION ACT,
 1862," he, the said collector of dues
 as aforesaid, by virtue of the powers of the said "TAX COL-
 LECTION ACT, 1862," doth grant, bargain, sell, and convey
 unto the said and his heirs, all that
 (describe the land) more particularly delineated and de-
 scribed in the plan or diagram hereunto annexed : To HAVE
 AND TO HOLD the same land, with the appurtenances thereto,
 unto and to the use of the said and his
 heirs, subject only to, and chargeable with, the payment of
 land tax accrued and hereafter to accrue from the (day of 18) or (from the date of these presents.)

In witness whereof the said collector of
 dues as aforesaid, hath hereto set his hand and seal the day
 and year first above written.

(Seal.)

Signed, sealed, and delivered in }
 the presence of }

(Add probate in the usual form.)

Proceeds of sale to be
 paid over to receiver-
 general.

and surplus to per-
 son entitled to same.

Supreme court to di-
 rect distribution of
 surplus in case of dis-
 pute.

Parties in possession
 at time of sale to be
 deemed entitled to
 such surplus.

Thirty-first—The collector of dues shall, within one month after each such sale render an account to the receiver-general, and lodge with him the proceeds thereof, and shall be paid for his services, on every such sale, out of such sale monies, a commission at the rate of five *per cent.* on the sale monies ; and any surplus, after satisfying all arrears, expenses, and charges, shall be paid to the person entitled, or if he be not known to the receiver-general, in which case, or where the title or right to such surplus may be contested, the supreme court, upon the application by any party making claim thereto shall, in a summary way, and upon such notice, and to such persons as the court shall direct, order distribution of such surplus, according to the title or interest of the party or parties claiming the same, and may make such other order in the premises as to such court may seem fit ; and the parties respectively in possession of such land, as being the owners thereof, or in receipt of the rents thereof, as being entitled thereto at the time of the sale of such lands, shall be deemed to be lawfully entitled, until the contrary be shewn to the satisfaction of the court ; and unless the contrary be so shewn, such parties, so in possession or receipt, and all parties claiming under them, or consistently with their possession or receipt, shall be deemed entitled to such surplus moneys, and the same shall be paid and applied accordingly.

Thirty-second

Thirty-second—The serving or giving of any notice of proceeding to make sale of any land under this act, shall bar and prevent any proceedings under the main road fund act, one thousand eight hundred and fifty-seven (twenty-first Victoria, chapter thirty four), or any other act to enforce the forfeiture or acquisition of any land whereon land tax or quit rents shall be in arrear.

Notice of proceedings under this act to bar proceedings under other acts.

Thirty-third—It shall be lawful for the main road commissioners to provide, out of the main road fund, for any reasonable expenses to be incurred for carrying out the powers of this act, for the sale of any land wherever it shall seem to them to be necessary to do so, to be reimbursed out of the proceeds of land sales under this act.

Main road commissioners to provide for expenses of such proceedings.

ACTIONS BY PERSONS AGGRIEVED.

Thirty-fourth—Before a writ of replevin shall issue in respect of any goods or chattels distrained on for taxes the claimant shall file an affidavit, shewing how and in what manner the goods and chattels so distrained on were not so liable, and the grounds upon which the adverse claim is founded, and shall procure an order of a judge of the supreme court authorizing the issue of such writ of replevin, an attested copy of which order shall be served with the copy declaration in replevin; and the provost-marshal, or his deputy, before executing any such writ, shall require the joint and several bond of the plaintiff, and of two sufficient sureties, to be approved of by the provost-marshal, or his deputy, and the collector of dues, in a penalty to the collector of dues sufficient to cover the value of the goods to be replevined, and the further sum of fifty pounds, to cover the probable costs, and to be conditioned for payment of the sum distrained for, and of the costs of distress, and of the defence, or for a return of the goods, and payment of the defendant's costs, in case of judgment against the plaintiff, or of a nonsuit, or discontinuance; and, unless such attested copy order shall be served with the copy declaration, or such bond be delivered, the provost-marshal, or his deputy, shall abstain from executing such writ.

Affidavit must be filed in case of replevin, and security given for value of goods, with £50 for costs.

Thirty-fifth—An action of replevin shall not abate by the death of the defendant, but shall be continued by suggestion and substitution of the person to whom his rights shall devolve; and every such replevin shall be tried at latest within two courts after issue joined, unless the supreme court, or judge of the district court shall retain the same for sufficient cause on oath, or unless the same shall be continued at the instance of the defendant; and, unless so tried, the action shall

Action shall not abate by death of defendant, and must be tried within two courts after issue joined.

shall thereupon be peremptorily discontinued without any order for the purpose; and if the amount distrained for, and the costs of suit, be not paid, or the goods and chattels returned, and costs paid upon demand, the collector of dues may enforce the penalty of the bond against the party and his sureties, without prejudice to the defendant's other remedies for the recovery of his costs.

Collector of dues may plead not guilty, and make avowry, or justify, &c.

Thirty-sixth—In any action to be brought against any collector of dues or other person for any distress or other act in the execution of his duty, the defendant may, with the plea of not guilty, make avowry of, or justify the taking of the said distress, or deny such other act charged, and allege generally that the same was so made or done by virtue of this or any other act in that behalf, without setting forth any other matter or circumstance constituting such justification; and the plaintiff may reply thereto the general replication "*de injuria*;" and, upon the trial of the issue thereon, the whole matters relied upon by both parties may be given in evidence.

In an action for recovery of value of distress no greater damages shall be recovered than the nett proceeds of the sale, &c.

Thirty-seventh—In any action to be brought for recovery of the value of any distress for taxes which may have been sold, no greater damages than the net proceeds of sale, after payment of all expenses attending the same, shall be recoverable, unless the plaintiff shall prove that by fraud, or want of care the distress hath been sold at an undervalue, or that before the sale he had given written notice to the collector of dues, or person distraining, of his intention to replevy such goods within a time to be mentioned in such notice, not exceeding fourteen days from the taking, and had required the sale to be delayed to enable him to replevy the same, and tendered a reasonable sum to cover the additional expenses occasioned thereby, and that the sale was, notwithstanding, proceeded with before the expiration of such time.

Actions against persons for acts done must be brought within six months.

Thirty-eighth—All actions to be brought against any person for any act done by him in the execution of his duty under this or any other act relating to, or arising out of the collection of taxes, shall be brought within six calendar months next after the accruing of the cause of action, and shall be defended at the expense of the public, unless the judge or court before whom the same shall be tried, shall certify that the costs of such defence ought to be borne by the defendant personally.

PENALTIES

PENALTIES.

Thirty-ninth—Every person neglecting or refusing to perform any duty required of him under this act, or who shall be guilty of any offence not herein provided for against any of its provisions, shall, for every neglect, refusal, or offence, be liable to a penalty of not exceeding five pounds.

Penalty on persons
guilty of neglect, &c.

PENALTIES, AND RECOVERY.

Fortieth—The penalties hereby imposed shall be recovered summarily before any two justices of the peace in the parish or precinct where the offence may be committed; and, in default of payment, they shall commit the offender or offenders to prison, there to remain without bail or mainprize until he or they shall have paid the same.

How recoverable.

Forty-first—The powers and provisions of this act shall apply to the collection and enforcement of all taxes and penalties which shall be raised or imposed by any future act not otherwise specifically providing for the collection of the same.

Powers of this act
made applicable to
future acts.

Forty-second—This act shall continue in force until the thirty-first day of March, one thousand eight hundred and sixty-five.

Duration of act.

A.

Know all men by these presents, &c. (take usual form of bond according to circumstances.)

Whereas the above named *having been*
appointed the (collector of dues) and (collector of stamps)
for the parish of *. has been required to enter*
into the security prescribed by law for the faithful discharge
of his duties: Now the condition of the above bond is such,
that if the above named *while and so long as*
he shall continue and be the collector of dues and stamps for
the said parish of *and at such respective times,*
and in such manner as are respectively prescribed by any act
or acts now or hereafter to be in force shall collect and duly
account for and pay over to the receiver-general all and every
the taxes, duties, charges, impositions, and monies which
shall be payable to or receivable by him as such collector of
dues (and of stamps) as aforesaid, from any person or per-
sons whomsoever; and, in case of neglect or omission of any
person or persons to give in a true and correct account of all

Q q

real

real and personal property possessed by him or them liable to any such tax, duty, charge, or imposition, or in case of non-payment by any person or persons of any such tax, duty, charge, or imposition, to which he or they may be liable, shall duly enforce the powers of such act or acts against those who shall make default, then this obligation shall be void, otherwise the same shall remain in full force and virtue: Provided, That the liability of the said as one of the sureties of the said shall not exceed pounds, nor shall the liability of the said as another of such sureties, exceed the sum of pounds, nor that of the said the other of such sureties, exceed the sum of pounds, exclusive of interest, costs, and charges respectively attaching to each.

(seal)

(seal.)

(seal.)

(seal.)

*Signed, sealed, and delivered in }
the presence of }*

B

FORMS OF PARTICULARS OF BREACHES ON SECURITY BOND.

In the supreme court.

To wit:

Regina vs. A. B.

The following are the breaches of the condition of the bond or writing obligatory in the declaration in this cause mentioned, on account of which the several sums understated are sought to be recovered in this action; that is to say,

For not duly accounting to the receiver-general for the following sums collected and received by the said as collector of dues (and of stamps) for the parish of vizt:

(Insert particulars).

For not duly paying over to the receiver-general the following sums collected and received by the said as collector of dues (and of stamps) of the parish of vizt:

(Insert particulars).

For

*For not collecting and getting in the following sums payable to or receivable by him as collector of dues (and of stamps) from divers persons within the parish of
vizi :*

(Insert particulars.)

*For not enforcing the powers of the acts of the legislature against divers persons who made default in the returns of property possessed by them liable to taxes under the provisions of the acts in that behalf, amounting in the whole to the sum of on the day of last past,
vizi :*

(Insert particulars.)

*For not enforcing the powers of the acts aforesaid against divers persons who made default by non-payment of divers taxes and monies which they were liable to pay, amounting in the whole to the sum of pounds on the
day of last past, vizi :*

(Insert particulars.)

*For not accounting for divers sums of other monies come to the hands of the said as collector of dues of
the said parish of and amounting in the
whole to the sum of on the day of
last past, vizi.*

(Insert particulars.)

For not paying over to the receiver-general divers sums of other monies come, &c. (as in the last item).

For not (here state any other breach, and add as many other breaches as may have been committed.)

Dated this day of

C A P. XXXIV.

An act to restore the rate of interest originally allowed on the rectors' and island curates' funds.

Preambl.

WHEREAS it is expedient to restore the rate of interest originally allowed by the acts of the ninth Victoria, chapter thirty-nine, and eighth Victoria, chapter thirty-eight, on the rectors' and island curates' funds in the public treasury of this island: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :*

Six per cent. per annum to be allowed on rectors and curates' funds.

First—The receiver-general shall pay and allow to the trustees of the respective funds interest at and after the rate of six per cent. per annum, to commence on and from the first day of January, one thousand eight hundred and sixty-two, on the principal sums at the credit of the respective trustees on the said first day of January, one thousand eight hundred and sixty-two, and shall also pay and allow the like rate of interest on all further capital and reserved appropriable fund, or unappropriated fund respectively invested subsequently to the said first day of January, one thousand eight hundred and sixty-two, and thereafter to be invested to the credit of the said rectors' and island curates' funds respectively, any thing in the act of the eighteenth Victoria, chapters nineteen and twenty, or any other act to the contrary notwithstanding.

Interest not appropriated to be added to capital.

Second—Such part of the interest by this act made payable on the respective funds as shall be unappropriated during any year shall, at the end of such year, be added to the capital thereof respectively, and bear interest at the rate allowed by this act.

No interest to be allowed under 8th Vic. cap. 38, 9th Vic. cap. 30, and 18th Vic. caps. 19 and 20.

Third—No interest shall be paid or allowed on either of such funds, or any part thereof respectively, as on or from or after the first day of January, one thousand eight hundred and sixty-two, under the recited acts of the eighth Victoria, chapter thirty-eight, and ninth Victoria, chapter thirty nine, and eighteenth Victoria, chapters nineteen and twenty, or either of them.

C A P.

C A P. XXXV.

An act to amend the law relating to immigration, and in respect to contracts made in China by Chinese immigrants.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :

First—For the future, instead of the annual payments by the “Further Immigration Act, 1861,” (twenty-fourth Victoria, chapter sixteen), directed, the employer of every immigrant already allotted, or hereafter to be allotted, except in the case of liberated Africans, introduced free of cost to this island, shall pay, in advance, for every year’s service of every immigrant of or above the age of twelve years, the sum of one pound ten shillings ; and for every year’s service of every child under the age of twelve years, included in the indenture of service, the sum of fifteen shillings ; and every employer shall enter into a like contract (except as to the amounts of annual payments for immigrants,) as is by the lastly recited act directed (Form No. 1.) to secure in advance the respective annual payments by this act directed for each year of service subsequent to the now current year of service, or other first year of the period during which the indenture of service shall continue in force ; but it shall suffice for the employer of any immigrant already indentured to subscribe a memorandum of agreement in the form annexed to this act, which shall be annexed to or endorsed on the contract or contracts entered into by him, under the “Further Immigration Act, 1861,” and shall be valid to secure the annual payments in advance therein mentioned or indicated.

Employers of immigrants to pay 30s. per annum for each adult, and 15s. for each child, and enter into contract, &c.

Second—In respect to every immigrant and child already allotted, the first of such respective payments shall be made in advance for the year of service to succeed the now current year of service on the day after the expiration of such now current year.

When first payment for immigrants already allotted shall be made.

Third—In case any employer of any immigrant or child already allotted shall refuse or neglect to make such payments, and to subscribe such agreement as by this act directed, the assignments or indentures of all immigrants and children already allotted or indentured to such employer shall, in such case, cease and determine ; and the immigration agent shall, with the approval of the governor, proceed to allot and indenture such immigrants and children to some other employer, according to the provisions of this

In case of refusal to pay for such immigrants, indenture to be void.

this and any other act now or hereafter to be in force relating to immigrants of the same class.

Existing provisions of law to operate in the case of immigrants to be allotted.

Tenth [Fourth]—All existing provisions of law shall remain in operation, and be observed or enforced for payment of all monies incurred or to be incurred for food and lodging of every immigrant and child to be allotted or indentured to any employer.

Monies to be paid over to receiver-general.

Fifth—All monies to be paid by such employers shall be paid over by the immigration agent to the receiver-general to the credit of the "Further Immigration Fund Account, 1861," by the recited act of the twenty-fourth Victoria, chapter sixteen, established.

Monies to be borrowed for immigration purposes, not to exceed £150,000.

Sixth—The eighth section of "The Immigration Loan Act, 1858," (twenty-second Victoria, chapter three), and the twenty-third section of "The Further Immigration Act, 1861," (twenty-fourth Victoria, chapter sixteen), are hereby repealed; and the utmost amount of monies to be borrowed on the loan, or succession of loans authorized under those acts, or either of them, is hereby limited to the total sum of one hundred and fifty thousand pounds over and above the moneys at the credit of the "Further Immigration Fund Account, 1861," established under the lastly above mentioned act, and the moneys to be invested under the authority of such act.

When loan under immigration loan act, 1858, shall be repaid.

Seventh—The twelfth section of "The Further Immigration Act, 1861," (twenty-fourth Victoria, chapter sixteen), is hereby repealed, and the bonds and debentures authorized to be given under the "Immigration Loan Act, 1858," not exceeding in the whole the sum of fifty thousand pounds in any one year, shall be made redeemable and payable as follows; that is to say, one-third of the amount, or the estimated amount to be required in each year, shall be redeemable and repayable at the expiration of not exceeding five years; one other third part, not exceeding ten years, and the remaining third part not exceeding fifteen years after the expiration of the year in which the same shall be contracted; and such principal monies, and the interest thereon, shall be secured, and be a charge upon the monies to be carried to the credit of the "Further Immigration Fund, 1861," by "The Further Immigration Act, 1861," directed to be opened and kept; and such interest shall be payable half-yearly out of any monies then at the credit of the said fund or otherwise, under the provisions of the said "Immigration Loan Act, 1858."

Written contracts made in China binding in this island.

Eighth—Notwithstanding any thing to the contrary in any act relating to Chinese immigrants, all written contracts for the performance

performance of any labor or service of agriculture in this colony, which shall be made by or with the authority of the emigration agent in China with any Chinese immigrant, shall be binding on the parties thereto for the period named therein, not exceeding the period of five years, to be computed from the day of the landing of such immigrant in Jamaica, and every such contract shall be signed with the name or marks of the contracting parties, or of persons lawfully acting on their behalf, and shall be attested by the emigration officer at the port of embarkation, who shall declare that the immigrants, parties to such contracts, signed the same voluntarily, and with a due understanding of their effect; and every signature, purporting to be the signature of any such emigration officer, shall be held to be genuine, without any proof thereof; but every person disputing the genuineness of any such signature shall be at liberty to prove that such signature is not genuine, and every such contract shall conform to the following conditions, namely :

First—Every such contract shall secure the immigrant the same rate of wages for the same proportionate quantity of work as may from time to time be paid to unindentured laborers working on the estate on which he shall be employed or otherwise, every such contract shall secure to the immigrant wages at the rate of four dollars per calendar month, with sufficient food, on condition that such immigrant shall work seven hours and a half each day, except Sundays, with a reservation of five holydays in each year, to be fixed by the governor.

Conditions of contracts.

Second—Every such contract shall bind the employer to furnish to the immigrant, free of charge, suitable lodging, and, when sick, suitable and sufficient medicines and nourishment, medical attendance, and hospital accommodation.

Third—Every such contract shall authorize the employer to deduct the sum of one dollar *per mensem* from the wages of any such immigrant, in repayment of any advance which may be certified to have been made to him in China by the immigration agent, and also to deduct from the wages of any immigrant, who may assign a portion thereof to any party in China, a sum equal to such portion in each month.

Fourth—Every such contract may be terminated by the immigrant, party thereto, at the end of each year from the commencement of the same, on payment, for each unexpired year of the term of the contract, of a sum equal to one-fifth of the amount which shall have been paid for the passage of such

such immigrant, and every such immigrant may change his employer at the end of the third and of the fourth years of his contract.

And all provisions in any other act to the like effect as any foregoing provision in this act shall be read as herewith consolidated.

This act not to operate until assented to by her majesty.

Ninth—This act shall not come into operation until it receives her majesty's assent, and the same be proclaimed in this island.

FORM.

We, A. B. and C. D. (or I, A. B.) of, &c. [by G. H. of, &c. our (or my) true and lawful attorney in this behalf duly authorized], do hereby agree, that in lieu of the annual payments of one pound and of ten shillings respectively within mentioned (or mentioned in the annexed contract or contracts of date the day of 18) (if any other dates, state them) we (or I) will pay in advance for each year of service of the several immigrants named in the said contract or contracts as next stated; that is to say for each immigrant of or above the age of twelve years, one pound ten shillings; and for each child under that age fifteen shillings (except now deceased or transferred, &c.), the first of such respective last-mentioned payments to be made on the day of 18 and the monies payable for all or either of such annual payments shall be secured and have the like priority of charge, and may be recovered and enforced in like manner as the payments for which the same are substituted might have been.

Witness our hands (my hand), this day of 18

*A. B. }
C. D. } by G. H. their attorney.*

N. B. Reference should be had, and attention paid to second note, marked N. B. subjoined to form No. 1, of the act 24 Victoria, chapter 16.

C A P.

C A P. XXXVI.

An act to re-adjust the stipends of the rectors and island curates who dissented from the provisions of the act of the nineteenth Victoria, chapter six.

WHEREAS it is desirable to re-adjust the stipends of the rectors and island curates who dissented from the provisions of the clerical stipends act of the nineteenth Victoria, chapter six, and to provide for repayment of the amount received in excess by such dissentient clergy: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follow:*

Preamble.

First—The second section of the recited act of the nineteenth Victoria, chapter six, is hereby repealed.

2d section of 19 Vic. cap. 6, repealed.

Second—That the several rectors and curates who dissented from the provisions of the said recited act (nineteenth Victoria, chapter six), and who shall be alive at the passing of this act, shall have written up to their credit, in the books of the receiver-general, the difference between the salaries which they will have respectively received from the first day of January, one thousand eight hundred and sixty, until the passing of this act; and the salary which they would have been entitled to receive during the same time, if they had not dissented from the provisions of the said recited act; and from and immediately after the passing of this act, and thereafter, until the thirty-first day of December, one thousand eight hundred and sixty-nine, each such rector and curate shall be paid a salary at and after the rate fixed in the third column of the said recited act (nineteenth Victoria, chapter six), by equal quarterly payments on the days in the said act mentioned, or otherwise, according to the manner in which they are now paid.

Dissentient clergymen to have certain sums carried to their credit, and be entitled to salary in 3d column of schedule to 19 Vic. cap. 6.

Third—Each such dissentient rector and curate shall repay to the treasury of this island (for the use of the public), the amount which he has received between the first day of January, one thousand eight hundred and fifty-six, and the first day of January, one thousand eight hundred and sixty, in excess of the salary which would have been paid to him had he assented to the provisions of the recited act (nineteenth Victoria, chapter six.)

repaying to the public the excess of salary received under said act.

R r

Fourth

Mode of repayment.

Fourth—Such repayment shall be made by deducting, from the aggregate amount due to the treasury, the sum to be written up to the credit of each such rector and curate, according to the provisions of the second clause of this act, and thereafter by deducting from the salary of each such rector and curate from time to time (until the whole amount to be repaid shall be satisfied), when and as such salaries shall be payable, parts or proportions of the balance of the amount to be repaid, which shall, as near as can be calculated, be equal to the amounts, dates, and order of payment of the excess of salary received by reason of their dissent, and which is provided to be repaid to the treasury by the third section of this act.

C A P. XXXVII.

An act to authorize the governor to appoint any two members of the executive committee to exercise the functions of commissioners of public accounts, and for other purposes.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :

The governor may name any two members of the executive committee to perform the duties of commissioners of accounts.

First—In lieu of the provision of the twenty-first section of the act of the seventeenth Victoria, chapter twenty-nine, which directs that the members of the executive committee, or any three of them, to be named from time to time by a minute of the governor, shall execute the duties, and be clothed with the powers and authorities therein and hereinafter mentioned, it shall be lawful for the governor, by a minute under his hand, from time to time to name any two members of the executive committee to perform and execute, and they shall perform and execute all the duties, and be clothed with all the powers and authorities imposed on, or vested in the late commissioners of public accounts under the act of the fifteenth year of his late majesty king George the third, entitled "*An act appointing commissioners to settle public accounts, and look into the state of, and count the cash in the treasury, and to oblige the receiver-general to keep one general account of cash,*" or under any other act or acts imposing duties on, or giving powers and authorities to the said commissioners of public accounts in like manner as if such executive committee had been in such acts appointed to execute and perform the same; and shall, in like manner execute and perform all other the duties lawfully exercised and

and performed by the said commissioners of public accounts.

Second—The governor for the time being may give leave of absence from the island, for the benefit of his health, to any member of the executive committee for a period not exceeding six months at any one time: *Provided*, That such leave shall not be given so as to prevent such member of the executive committee from being present during the sitting of the legislature: *And provided also*, That no more than one member of the said executive committee shall be absent from the island at the same time; and that such leave of absence shall be free of stamp duty.

And give leave of absence to any such member for 6 months.

Provide.

Provide.

C A P. XXXVIII.

An act to increase the salary of the secretary of the executive committee.

BE it enacted by the governor, legislative council, and assembly, and it is hereby enacted by the authority of the same, That, in addition to the salary now by law payable to the secretary of the executive committee, there shall be paid to that officer, on the warrant of the governor, a further sum at the rate of one hundred and fifty pounds *per annum*, by monthly or other payments, as the governor, with the advice of the executive committee, shall direct.

The secretary to the executive committee to be paid £150 in addition.

C A P. XXXIX.

An act to provide duties by licenses and registrations, and for the payment of land tax.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:

First—There shall be paid by the occupier or possessor of each item of property hereinafter enumerated, and by every person keeping or using fire-arms, the duty herein specified; that is to say,

Duties to be paid on 1st August, or within ten days thereafter, on certain items of property.

On the first day of August, or within ten days thereafter, in each year:

For each house of the annual value of twelve pounds, or upwards, at the rate of one shilling and six pence in the pound of such value ... £0 1 6
R r 2 . For

For each head of horsekind used for riding, draft, or burden (eleven shillings) ...	£0 11 0
For each head of horsekind used solely for livery stable purposes, seven shillings ...	0 7 0
Each ass used for riding, draught, or burden, three shillings and six pence ...	0 3 6
Each head of breeding stock (one shilling) ...	0 1 0
Each head of working cattle, horsekind, and mules, used solely in and about the cultivation of estates, plantations, or pens, within the confines thereof, (six pence) ...	0 0 6
Each wheel of a carriage (fifteen shillings)	0 15 0
Ditto ditto used solely for livery stable purposes, (ten shillings) ..	0 10 0
Each head of sheep (two pence) ...	0 0 2
Each boat plying for hire on any of the rivers, harbours, or coasts of this island (droghers, and ship boats excepted), twenty shillings ...	1 0 0

Each wheel of a cart	On and after 31st April, 1862, to 31st July, 1863.	Twelve shillings	0 12 0	On and after first August, 1863, and on and after first August in every year.	Nine shillings	0 9 0
Ditto ditto hackney carriage		Twenty-six shillings and eight pence	1 6 8		Twenty shillings	1 0 0
Each fire-arm, registration of, and license to use on the premises of the owner of such fire-arm		Two shillings and eight pence	0 2 8		Two shillings	0 2 0
License to keep and use otherwise		Ten shillings and eight pence	0 10 8		Eight shillings	0 8 0

Every person in possession of land to pay tax thereon on 1st August, or within ten days thereafter.

Second—On and after the first day of August in every year, or within ten days thereafter, every person in possession of land, as owner, tenant, or in any other character, shall pay to the collector of dues of his parish the tax by law imposed thereon, and shall obtain

tain from the collector of dues an acquittance thereof; and the eighth, ninth, and nineteenth sections of "The Main Road Fund Act, 1857," (twenty-first Victoria, chapter thirty-four), are hereby repealed, but without prejudice to any act done or pending thereunder.

Third—Every person shall, on or before the first day of August in each year, or other period by this act limited for payment of the tax or duty thereon, pay to the collector of dues of his parish the duties payable on each item of property in his possession, or in the possession of any member or inmate of his family, and shall also forthwith thereupon take out from the clerk of the peace of the same parish the license by this act required.

and in possession of other items of property to pay tax thereon at same time, and take out licenses.

Fourth—Every person shall, within ten days after he or any member or inmate of his family shall become the occupant or possessor of any property by law charged with any tax or duty, and acquired intermediately between any of the respective periods by this act limited for payment, pay the tax or duty chargeable thereon, and take out the respective license or acquittance aforesaid in manner hereinbefore prescribed: *Provided*, That if the tax or duty shall have been previously paid by the former occupant or possessor thereof, on the property so intermediately acquired, and the benefit thereof shall have been transferred by such former occupant or possessor, or if the property so newly acquired be in substitution of any former item of property of the like description on which the duty shall have been paid, and which may have been destroyed, or become unserviceable, and shall not thereafter be used, the tax or duty so previously paid shall cover, and the license or acquittance in respect thereof shall protect and enure to the intermediately acquired or substituted property aforesaid.

Every person within ten days after becoming possessed of property to pay toll thereon.

Provided.

Fifth—In case of the transfer of any property, so licensed, the assignor thereof shall specify in the bill or receipt therefor that the duty has been paid, and whether or not the benefit thereof is intended to be transferred, and if so transferred shall refer in such bill or receipt to the number and date, and parish of the license for the same, and in default of such bill, or receipt, or if the same fail to convey the information aforesaid, the subsequent occupant or possessor shall be bound to pay the duties, and to take out a fresh license for the same; and any person assigning such property, and the benefit of the license, shall not be entitled to occupy or hold any other item of the like description of property in substitution as aforesaid, without payment of the duties, and a fresh license as aforesaid.

In case of the transfer of licensed property, the payment of the duty must be stated in the bill or receipt.

Sixth—In case of death, the license obtained by the deceased shall

Licenses to enure to personal representa-

tives, &c. in case of death of person paying duty.

shall enure to his personal representatives, or their assignees, for the residue of the term thereof; and in all cases of assignment of property on which the duty shall have been paid, and the benefit of the license transferred as aforesaid, such license shall enure to the assignee for the residue of the term thereof.

Head of family responsible for duty on property held in trust for a member thereof.

Seventh—Whenever any property liable to duty shall belong to, or be held in trust for any person, who shall be an inmate or member of any family, the head or principal member of such family shall be responsible for payment of the duties thereon, and shall be liable to the penalties imposed by this act in respect thereof.

Persons occupying houses after 1st August chargeable with duties proportionable to the time the license has to run.

Eighth—Any person who shall, after the first day of August in any year, or other period by this act limited for the payment of taxes or duties, enter into the occupation of any house chargeable with duty, or become possessed of any taxable or dutiable property (other than a still), which shall not have been licensed or registered, or whereon the tax shall not have been paid as aforesaid, shall be liable to pay only a part of the tax, or duty by law imposed, proportionate to the time for which the license shall have to run, until the next recurring period for the payment of the tax, but to be computed from the first day of the quarter during which the occupation or possession shall commence; that is to say, at the rate of one-fourth of the whole annual tax for each quarter, or fractional part of each quarter of a year.

Collector of dues may take declarations.

Ninth—The collector of dues is hereby authorized to take declarations under this act.

Penalty on persons contravening the act.

Tenth—Any person omitting to pay the tax or duty by law chargeable within the period hereby limited, and in the manner herein prescribed, or to take out the necessary license for that purpose, or contravening any of the provisions of this act, shall, unless otherwise provided, be subject to a penalty not exceeding five pounds, nor less than the amount of duties so evaded; and shall also be condemned, on conviction, to pay the amount of duty evaded, and the charges of the necessary licenses, and the costs of the proceedings to recover the same.

Form of conviction.

Eleventh—That the forms of conviction and distress and otherwise under the thirteenth Victoria, chapter thirty-five, may be adapted to meet the exigencies of each case.

INTERPRETATION CLAUSES.

Meaning of certain words defined.

Twelfth—The word "house," shall mean every inhabited or occupied dwelling-house, shop, store, wharf, warehouse, office, or place

place of business of the annual value of twelve pounds, or upwards, and shall, for the purpose of such valuation, include and comprise the out offices, yards, curtilages, and lands attached thereto; and, for the purposes of taxation under this act, the true annual value of every house shall, when tenanted at a rent, be taken to be the rent actually payable thereon by the year; and where otherwise occupied, the full and just yearly rent at which the same is really and *bonâ fide* worth to be let, shall be taken as such true annual value.

Thirteenth—Where any house shall be let in different subdivisions, and shall be occupied by several persons or families separately, or by the owner thereof, together with one or more other person or persons, and the aggregate of rents and value thereof shall amount to the sum of twelve pounds, or upwards, such house shall nevertheless be charged with the duties under this act, as if the same was occupied by one person or one family only, and the landlord or owner shall be deemed, for the purpose of taxation, the occupier thereof, except when the duty shall have been paid, and the house registered by some other person.

Owner of a house occupied by several persons deemed the occupier, &c.

Fourteenth—Houses on any estate, or on any pen, shall be exempt from the house tax if occupied by the owner or tenant of the estate or pen, or his family, or by the attorney, overseer, or other servants of the estate or pen, free of rent; but if any such house shall be let, or lent to any person, or used for any other than the purposes of such estate or pen, the same shall be liable to the house tax aforesaid.

Houses on estates, &c. exempt from house tax if occupied by owner.

Fifteenth—The word “carriage,” shall mean all spring carriages, whether used for the transport of persons on business or pleasure, or used exclusively in the business of a livery stable.

Meaning of certain words defined.

The word “cart,” shall mean every cart, dray, wagon, or wain, whether on springs or not, used for burthen.

The words “hackney carriage,” shall mean every wheeled carriage plying for hire in any town for the carriage of passengers.

The word “fire-arms,” shall mean every musket, fowling-piece, gun, carbine, rifle, pistol, or revolver.

The word “horsekind,” shall mean every horse, mare, colt, filly, gelding, or mule.

The words “breeding stock,” shall mean stallions, mares, geldings, colts, and fillies, asses, and their followers; bulls, cows, oxen, heifers, bullocks, and calves respectively, kept solely

solely for breeding purposes, or for sale, and not being worked or used for riding, draft, or burthen.

The words "working cattle," shall mean all bulls, cows, speyed heifers, steers, horses, mares, geldings, and mules used or worked on or within the limits of an estate; and all horned stock used on estates, and for carrying produce or other commodities for or on account of any estate or plantation.

The word "boat," shall mean any canoe, wherry, lighter, or other boat used for traffic.

The word "estate," shall mean any land from which five hogsheads, or forty barrels of sugar, or thirty-five hundred weight of coffee, shall be produced, or pimento to the extent of twenty-five bags, of one hundred and twenty pounds weight each, as an annual average, is gathered.

The word "pen," shall mean any land upon which forty head of breeding and other stock are kept and licensed.

The words "collector of dues," shall mean any person appointed to get in or receive the duties hereby imposed.

Collector of dues to give to each person paying duties a receipt for same, who shall deliver such receipt to the clerk of the peace.

Sixteenth—On payment of the duties chargeable under this act, the collector of dues shall forthwith make out and deliver to the party paying the same a receipt in acknowledgment of such payment, numbered consecutively, and specifying in such form as the executive committee shall from time to time direct and supply, the several items of property for which such duties shall have been paid, and the respective sums paid thereon, and the said receipt shall be forthwith delivered by the person receiving the same to the clerk of the peace, who shall thereupon make out and deliver to the person entitled thereto a license numbered and otherwise in conformity with the said receipt, according to such form as the executive committee shall direct and supply.

Licenses to keep fire-arms personal.

Seventeenth—The respective registrations, or licenses to keep and to use fire-arms shall be personal, and shall not entitle any person, (not licensed) to keep, carry, or use fire-arms, unless he be the servant of a licensee for that purpose, and shall carry or use the same in his master's service, and within the limits of his property.

Policeman may demand license from person carrying fire-arms, and seize same.

Eighteenth—Any policeman or constable may require the production of his license by any person carrying or using any fire-arm otherwise than on public service, and, if not produced, may seize and convey the fire-arm to the next court of petty sessions of the justices, who, in case of non-production of a license, and satisfactory evidence that the same had been obtained prior to the seizure, shall order

der that such fire-arm shall be detained for ten days, and that, unless earlier redeemed by payment of the penalty to be awarded by the court, and costs, and the fee of four shillings to the seizing officer, and the tax and license fee for using fire arms, the fire arm so seized shall be sold, and the proceeds, after deducting the said fee of (four shillings) to the policeman or constable, by whom the fire-arm was seized, shall be paid to the collector of dues.

STILLS.

Nineteenth—On and after the twenty-eighth day of March in every year, or within fourteen days thereafter the owner, or person in charge, shall make a true return of every still in his possession, and pay to the receiver-general the sum of three pounds for every such still; and the receiver-general shall thereupon issue a license to distil, exceeding two thousand five hundred gallons of spirits for each still whereon such payment shall be made, and shall transmit to the collector of dues of each parish a list of all licenses in each year so granted by him, which shall be filed in the office of the collector of dues.

Persons in possession of stills to make return of same to receiver-general.

Twentieth—Whenever a larger quantity of spirits shall have been distilled than two thousand five hundred gallons, the owner, tenant, overseer, manager, or person for the time being in charge shall forthwith thereafter pay the sum of two shillings for every additional quantity of one hundred gallons, or for any fractional part thereof, as an additional license duty, to be recovered by direction of the receiver-general to the clerk of the peace of the parish in which such spirits shall have been distilled, as a debt under the provisions of any act now or hereafter to be in force for the recovery of petty debts, and whether such additional duty shall exceed or not the limit of jurisdiction of such petty debt act, to be enforced by warrant of any justice of the peace, on any goods and chattels whereon a landlord might distrain for rent, and which may be found on or in the place of distillation; and in any such proceeding the certificate of the receiver-general that the returns of the quantity of spirits made during the year shew that a larger than the maximum quantity for which the license was granted has been distilled, shall be evidence against the person proceeded against, and shall be sufficient to ground such judgment.

Whenever more than 2,500 gallons of spirits shall be distilled, 2s. for every 100 gallons in excess must be paid as additional license duty,

how recoverable.

Twenty-first—Every person having, or using a still for distilling purposes below the quantity of two thousand five hundred gallons, shall, on and after the twenty-eighth day of March in every year, or within fourteen days thereafter, make a return thereof and pay to the collector of dues of the parish the sum of one pound for every such still in his possession, for which the collector of dues shall

S s

grant

Every person in possession of a still for distilling under 2,500 gallons must return same.

grant a receipt, whereupon a license to distil shall be delivered by the clerk of the peace in such form as the executive committee shall prescribe and supply, and the clerk of the peace shall transmit to the receiver-general a list of all licenses from time to time so granted by him, and the collector of dues shall remit to the receiver-general all monies so collected by him, at the same time that they respectively make the returns and remittances prescribed by this act to the receiver-general on account of other taxes or duties.

Policeman may seize
unlicensed still, &c.
and sell same.

Twenty-second—Any policeman or constable may enter on any premises whereon he may know, or have cause to suspect that any still, not licensed as aforesaid, is kept for distilling purposes, and may demand that the license for every such still shall be produced to him; and, in default of such production, may seize every such still and other vessels, and all spirits, low wines, and other materials preparing for distillation, which he shall find and either detain the same in the place where found, or remove the same to the police station nearest thereto; and in case the same shall not, within ten days next after such seizure, be redeemed by payment of the full amount of license duty chargeable thereon under this act, and also the sum of three pounds by way of penalty for every still so seized, the same, and all spirits, low wines, and materials aforesaid shall be sold, and the proceeds, after deducting the fee of ten shillings to the policeman or constable, and the charge for removal, shall be paid to the collector of dues, and be by him remitted to the receiver-general, to be carried to the credit of the still license account.

Stills kept for experi-
ments may be relieved.

Twenty-third—Any person keeping a still for the purpose of making experiments in distillation, and not of greater capacity than forty gallons, may be relieved by the executive committee from taking out a license.

Every unlicensed still
must be registered.

Twenty-fourth—Every possessor of a still, not used for distilling purposes, and for which no distilling license has been taken out, or which may have been relieved as last aforesaid, shall register the same in the office of the clerk of the peace of the parish on or before the first day of April in each year, under a penalty of ten pounds for every omission, to be recovered against the owner, tenant, overseer, manager, or other person in charge of such still; and, for every such registration, the clerk of the peace shall be entitled to be paid by the person registering a fee of one shilling.

PAYMENT OF MOIETY OF TAXES.

Duties not including
land tax, amounting
to £4 and upwards,

Twenty-fifth—Whenever the duties, except in the case of land tax, shall amount to, or exceed the sum of four pounds, the same may

may be paid by moieties, of which the first shall be paid on or before the tenth August, and the second moiety on or before the tenth February then next succeeding; and, on payment of the first moiety, a license for the same shall be granted by the clerk of the peace, and the remaining moiety shall not be enforceable until the tenth day of February succeeding, for which a further license shall be granted by the clerk of the peace, and the taxes to be paid in moieties shall be entered and registered by the collector of dues and clerk of the peace respectively, separately and apart from those paid in full, and the receipts and licenses issued and granted for moieties shall have the word "moiety" written or printed legibly on the top, and along the margin of the receipt and license respectively: *Provided*, That where any taxpayer shall pay taxes in moieties, the clerk of the peace shall demand and receive only the sum of six pence for a license on each moiety.

may be paid in moieties at certain times, and a license granted for each moiety.

Provide.

Twenty-sixth—The second moiety of tax shall, within ten days after the same falls due, be paid to the collector of dues by the party liable thereto; and, in default, any justice of the peace of the parish wherein the same shall accrue, shall, on the application of the collector of dues of such parish, by and through the clerk of the peace, issue his warrant, directing the recovery or enforcement of such second moiety of the duty, and of the costs, by distress of the goods and chattels of the person liable, and otherwise as by this act provided.

The second moiety of tax not paid when due, may be recovered by distress.

LICENSES FOR CARTS, ET CETERA.

Twenty-seventh—A separate license for every cart, and hackney carriage, and boat, and for each person's fire-arms, shall be delivered by the clerk of the peace to the person entitled thereto; and each such license shall state the distinguishing letter assigned by the executive committee to the parish for the year, and shall be marked and distinguished conformably therewith, and shall be numbered in each separate class, with the number assigned thereto in the collector of dues' receipt, and a separate number shall be assigned to, and a separate license issued for each cart, hackney carriage, and boat, but any number of fire-arms may be included in a license for the same.

A separate license must be granted for each cart, carriage, &c.

Twenty-eighth—The letter and number mentioned in the license for every cart, hackney carriage, or boat, shall be painted on the right side of such cart, hackney carriage, or bow of such boat in legible letters, and numbers of the size of at least two inches, in white on a dark ground.

The letter and number of each cart, &c. must be painted thereon.

SS 2

Twenty-ninth

Certain carriages exempt from duty.

Twenty-ninth—Railway and tramway trucks, and carriages, and carts used upon an estate or pen shall not be liable to seizure, nor shall any such truck, or carriage, or cart, be liable to the payment of any tax under this act, so long as used exclusively upon such railway and tramway, and within the lines and limits of the estate or pen to which they shall belong, or upon any public road running through any such estate or pen, and within the lines or limits of the same.

DUTIES OF COLLECTORS OF DUES, AND CLERKS OF THE PEACE.

Collector of dues and clerk of peace to attend to receive dues, &c.

Thirtieth—The collector of dues, and the clerk of the peace respectively of each parish shall, at each period fixed by law for the payment of taxes and duties, attend on such days, and at such convenient places throughout the parish, as the custos and justices, in special sessions, and, in default, as the custos shall determine, to receive payment of taxes and duties, and to issue licenses, under this act.

Collector of dues must number each receipt granted by him, and transcribe same in a book,

and transmit to receiver-general statement of number of persons who have paid duties, &c.

Thirty-first—The collector of dues of each parish shall number, in consecutive order, each receipt, as the same is granted by him, and the same shall thereupon from time to time be transcribed in numerical order in a book, to be kept in his office for that purpose, in such form as shall be prescribed by the executive committee, which shall be open to public inspection; and the collector of dues shall transmit to the receiver-general, on or before the thirtieth day of September in each year, a statement, declared to before a justice of the peace, of the total number of persons who shall have paid taxes or duties, with the aggregate of each head or division of items of property, and the total amount of such payments up to the twenty-eighth day of September in each year; and, within five days after the termination of each month, shall transmit a similar statement for the period elapsed since the date to which the last return was made, in form as the executive committee shall from time to time direct; shewing the number, in consecutive order, of the receipts issued by him during the then preceding month, with the names of the taxpayers, and the items of property, and sums paid by each, and the gross aggregate of receipts of such month; and each collector of dues shall at the same time transmit to the receiver-general the full amount of all such taxes and duties, and monies received by him, deducting therefrom five pounds *per cent.* for the services performed under this act.

and lay his record books before each quarterly vestry.

Thirty-second—Every collector of dues shall lay before each quarterly vestry of his parish the record books into which the particulars of each receipt granted by him are by this act required to be entered, and the portion of such book, embracing the period and returns

returns aforesaid, shall be audited, and, when confirmed, signed by the custos or chairman in open vestry.

Thirty-third—The clerk of the peace of each parish shall mark on each license issued by him the number of the corresponding receipt of the collector of dues, and on each license in respect of each cart, hackney carriage, and boat, the distinguishing letter of the current licensing year, and the number of the general receipt, and the separate number assigned to each cart, hackney carriage, and boat shall also be marked on the license granted therefor; and the clerk of the peace shall also keep a separate record, in alphabetical order, in form to be prescribed and supplied by the executive committee, and shall, within five days after the expiration of each month, transmit to the receiver-general a summary of the records of licenses, declared to before a justice of the peace, and shall also lay before each quarterly vestry of his parish his record book of licenses, except in the precinct of Saint Catherine, when [where] the clerk of the peace may make a return of the names of the persons who have taken out licenses during the quarter in each of the parishes of the precinct.

The clerk of the peace must mark each license with the number of the receipt, &c. given by the collector of dues and the letter and number of each cart, &c.

Keep a separate record in alphabetical order, and send summary to receiver-general.

Thirty-fourth—The clerk of the peace shall be entitled to receive a fee of one shilling upon each license granted by him, to be paid together with the taxes to the collector of dues, who shall account for and pay over to the clerk of the peace the same; and, at the foot of each receipt, shall specify the amount of fees so received by him on account of the clerk of the peace.

He shall receive a fee of 1s. for each license,

Thirty-fifth—The collector of dues and clerk of the peace shall, for every neglect of his duty, or default, forfeit the sum of five pounds, over and above the amount of taxes and duties not transmitted; or, where such defaulting officer shall be the recipient of any salary, payable from the public treasury, the receiver-general shall deduct from such salary the sum of five pounds for every such neglect or default.

and forfeit £5, &c. for every neglect of duty.

DUTIES OF RECEIVER-GENERAL AND COLLECTOR OF DUES, IN ENFORCEMENT OF TAXES.

Thirty-sixth—If the receiver-general, or the collector of dues, shall have reason to suspect that any person has evaded payment of any tax or duty, or is in arrear for any land tax, he shall give notice, in writing, to the person in default as aforesaid, and, on non-compliance therewith, the collector of dues may, at the expiration of ten days, levy and distrain for the said taxes, or so much thereof as shall not be appealed against.

Proceedings in case the payment of land tax has been evaded.

Thirty-seventh—Every warrant under this act, for any tax and costs

Every warrant shall empower a levy and

distress on all goods found on the premises, &c.

costs of distress, shall empower a levy and distress on all goods and chattels found upon the land or premises in the possession of the person liable, and on which a landlord might distrain for rent in arrear; but in case of such distress on the goods and chattels of any succeeding occupier for the taxes or duties due by a previous occupier, it shall be lawful for such succeeding occupier to deduct the amount enforced by such distress from the next payment of rent: *Provided*, That as against the goods of any other than the person originally liable to the tax, such levy be made within six months after the taxes shall have become leviable.

Provide.

How notices may be served.

Thirty-eighth—Service of such notice shall be effected, either personally, or by being left with some inmate at the last known place of abode of the person to be notified, and such notice shall be in the form following, *viz* :

Form of notice.

NOTICE TO PERSON IN DEFAULT OR ARREAR.

" *To* *of* *of the parish of*

" Take notice, That unless the undermentioned sums due by you for taxes shall be paid to me within ten days from the service hereof, I will proceed to levy for the same, and if you have any cause to appeal against any of such charges you must, within ten days of your being served with this, give me notice, in writing, shewing what portion of the taxes so claimed it is your intention to appeal against, and the grounds of such appeal, and you must, within the same period, enter into recognizance with two good and sufficient sureties, to be approved of by two justices in petit sessions, and conditioned to prosecute the said appeal, as prescribed by "THE LICENSE AND REGISTRATION DUTIES' ACT, 1862," or, in default of payment, or of appeal, as above, I shall levy for the said taxes.

Amount of taxes due

(Here specify particulars of taxes claimed.)

collector of dues for the parish of

Parties may appeal on certain conditions.

Thirty-ninth—On entering into recognizance with one or two sureties, sufficient in the judgment of the said justices, in a penalty sufficient to cover the taxes appealed against, and a further sum of three pounds for the costs of appeal, if any, shall be adjudged and conditioned for the prosecution of the said appeal, and to pay such taxes and costs as may be adjudged, and otherwise to perform all orders of the appellate court; any person questioning such claim of the collector of dues may appeal to the circuit court against the same.

Fortieth

Fortieth—Every appeal under this act shall be lodged with the clerk of the circuit court of the parish within the period prescribed, and shall be otherwise prosecuted under, and be regulated by, the provisions of the act of the twenty-first Victoria; chapter twenty-two, relating to appeals.

Appeals must be lodged, &c. under 21st Vic. cap. 22.

Forty-first—The collector of dues shall keep any distress for the space of ten days, unless the same shall be of a perishable nature, and if the same be not redeemed within ten days, or before sale, the collector of dues shall sell and dispose of such distress, or a sufficient portion thereof, to satisfy the taxes, and the expenses of the distress, and a commission of five *per cent.* on such taxes, or on the value of the distress, if the proceeds shall be insufficient [*sufficient*] to satisfy the taxes; and shall return the surplus of any sale, and any unsold goods or chattels, on demand, to the person distrained on.

Period for which distress may be kept previous to sale.

Forty-second—That no action shall be brought, nor shall any collector of dues be answerable or accountable for any loss, deterioration, or injury of, or to any goods, or chattels, or other property levied or distrained upon, except for wilful negligence, ill usage, or injury.

No action to be brought for loss to goods levied upon.

Forty-third—No distress shall be redeemable except upon payment of the taxes due, and of the commission aforesaid, and of a fee of three shillings for making the levy, and retaining possession for the first twenty-four hours, and of a further fee of one shilling for keeping possession *per diem* thereafter.

How distresses may be redeemed.

Forty-fourth—The justices adjudicating under this act may award to the informer a sum not exceeding a moiety of the penalty to be imposed.

Justices may award moiety of penalty to informer.

DUTIES OF POLICE IN EXECUTION OF THIS ACT.

Forty-fifth—Every item of property liable to, but which shall not have paid duty, or been licensed, and also every cart, hackney carriage, or boat, which shall not be lettered or numbered according to the register of the parish, as directed by this act (whether the same is being used or not), shall be seized by any policeman or constable, and shall be conveyed to a justice of the peace, who may direct the same, and all goods found in the cart, hackney carriage, or boat so seized, (except the party in charge shall think fit to remove the said goods), to be kept until the case can be adjudicated by the justices in petty sessions, who may direct the property so seized to be detained until redemption, or the same to be forthwith, or at any time to be appointed in that behalf, sold and disposed of.

Property upon which duty has not been paid, and carts, &c. not lettered and numbered, may be seized by police and detained, &c.

Forty-sixth

Taxes, &c. to be paid out of proceeds, and surplus returned.

Forty-sixth—Out of the proceeds of the sale the collector of dues shall be paid the amount of the taxes, and of the license, and the costs and charges of taking, keeping, and selling the property seized, not exceeding one shilling in the pound, and the sum of four shillings to the seizing officer, which shall be deducted from the proceeds of sale, and the surplus, if any, shall be returned to the owner or person from whom the property was so taken.

Owner of property seized may redeem same.

Forty-seventh—The owner, or person from whom the property was taken, may, at any time before the sale thereof, redeem the same by complying with this act, and paying the sum of four shillings to the seizing officer, and all costs and charges in taking and keeping the property, not exceeding one shilling *per diem*; and the collector of dues shall give a receipt as hereinbefore directed for the amount of the license when so to be paid to him, and thereupon the necessary license shall be granted by the clerk of the peace, and, upon production of such license, and compliance with the provisions of this act, the property shall be restored: *Provided*, That any justice of the peace may direct the seizing officer to sell immediately, by public outcry, any goods seized that may be of a perishable nature, and to apply the proceeds of such sale to the like purposes as herein directed: *And provided also*, That notwithstanding such seizure and sale, the penalties for the breach of this act may be sued for and enforced against the offender.

Proviso.

Proviso.

EVASIONS OF THE ACT.

Penalty on a person permitting his license to be used by another.

Forty-eighth—Any person allowing his license to be used by any other person in contravention of this act, shall be liable to a penalty not exceeding ten pounds, nor less than two pounds; and any person using such license as aforesaid shall be liable to a like penalty.

On a person counterfeiting any license, &c.

Forty-ninth—Any person who shall counterfeit or forge, or cause or procure to be counterfeited or forged, or aid in counterfeiting or forging any license, registration letter, number, or mark, or painting, or impression whatsoever required by this act, or who knowingly shall utter, give, or procure to be given, or make, use, or procure to be made use of, or accept, or receive any counterfeited or forged license, registration letter, number, or mark, or painting, or impression whatsoever, required by this act in any respect or particular, shall, for every offence, on conviction, be adjudged to pay the sum of ten pounds, and to be imprisoned, with hard labor for any period not exceeding six calendar months.

RECOVERY

RECOVERY OF PENALTIES.

Fiftieth—All penalties and forfeitures imposed by this act, and all taxes and duties, and arrears required to be paid to the collector of dues, and not paid to him pursuant to the provisions of this act, may, instead of the process of distress prescribed by this act, be recovered in a summary manner before any two justices of the peace of the parish wherein such offence or default was committed, or the offender or defaulter resides; and, in case of non-payment, may be enforced by distress and sale of the offender's or defaulter's goods, or imprisonment not exceeding three months, unless such penalty, taxes, duties, arrears, and costs shall be sooner paid, and may be enforced under the provisions of the thirteenth Victoria, chapter thirty-five, or any other act in respect to summary proceedings, and the forms of the said last-mentioned act may be adapted to meet the requirements of this act.

How penalties may be recovered.

Fifty-first—In all legal proceedings the production of a certificate, purporting to be signed by the receiver-general, or by any clerk of the peace, or collector of dues, stating the number and description, or the value of property in respect of which the person therein named appears to have paid duties, and any book, record, statement, or return, made by either of those officers in execution of this act, shall be received as *prima facie* evidence of the truth of the statements therein contained, and any certificate, purporting to be signed as aforesaid, that the person therein named does not appear, from any document in his office, authorized to occupy, or keep, or use any property within the meaning of this act, or any greater number of any such items respectively than shall be expressed in any such certificate, shall be also received as *prima facie* evidence of the truth of the facts therein stated.

Certain documents declared *prima facie* evidence.

GENERAL PROVISIONS.

Fifty-second—No receipt, license, registration certificate, or process under this act shall be subject or liable to any stamp duty.

Licenses, &c. not subject to stamp duties.

Fifty-third—The executive committee may refund any amount of license duty which may appear to them to have been overpaid.

Duties overpaid may be refunded.

Fifty-fourth—The executive committee shall, in each year, determine, and by public advertisement in the Jamaica Gazette, by authority, communicate to the clerk of the peace of each parish or precinct the distinguishing letter of his parish, to be affixed to licenses for the then ensuing licensing period or year, and the same shall be the distinguishing letter of the parish for that period or year, and shall be inserted in each license under this act accordingly for such parish.

Distinguishing letter of each parish to be published in Gazette.

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Fifty-fifth

Remuneration to person to aid collector of dues, may be allowed in estimates.

Fifty-fifth—The executive committee may allow, in the annual estimates of any parish, any reasonable sum for remunerating the services of any person or persons appointed by the collector of dues for aiding him in discovering and proceeding against persons in default, or in arrear for taxes, and otherwise assisting in the collection of the same, on a certificate from the justices and vestry being furnished to the executive committee.

False declarations punishable.

Fifty-sixth—If any person shall wilfully make a false declaration, or shall knowingly swear falsely where an oath is required by this act, every such person, upon conviction, shall be liable to, and shall suffer such penalties as are imposed on persons guilty of wilful and corrupt perjury, and every prosecution in any such respect shall be of a public nature.

Taxes may be recovered, notwithstanding expiry of act.

Fifty-seventh—Notwithstanding the repeal or expiry of this act, all taxes payable thereunder may be enforced, and all offences committed against its provisions shall be dealt with and punished; and all penalties imposed or incurred thereunder shall be recovered, and all bonds, recognizances, liabilities, and duties, shall be enforced under the powers, directions, and authorities of this act, and all proceedings commenced thereunder shall continue and be in full force and effect.

Appropriation of duties on breeding stock, &c.

Fifty-eighth—The duties on breeding stock, and working cattle, and estates, plantation, and pen, horsekind and mules, sheep, canoes, wherries, and other boats, and houses, and on fire-arms, and stills, shall be appropriated towards the general public service of this island.

Books, &c. to be supplied by executive committee.

Fifty-ninth—The forms and books required by this act shall, from time to time, be prescribed and supplied to the respective officers by the executive committee.

Short title of act.

Sixtieth—This act may be cited, in all proceedings, as "THE LICENSE AND REGISTRATION DUTIES' ACT, 1862," and shall continue and be in force until the thirty-first day of July, one thousand eight hundred and sixty-five.

Duration thereof.

C A P.

C A P. XL.

An act for the construction and maintaining of a floating dock or gridiron at Kingston, Jamaica.

WHEREAS a floating dock or gridiron at Kingston, Jamaica, is much wanted, and it would be a great public benefit and advantage to secure the construction of the same; and, to this end, to guarantee, out of the funds of this island, a minimum interest on the costs thereof: *And whereas* Richard Revett, master in the mercantile marine, has submitted plans and sections of such proposed dock, or gridiron, and of necessary works and sheds connected therewith: *And whereas* the estimated costs of such dock or gridiron, and works, is forty thousand pounds, and it is agreed that an interest, after the rate of six pounds *per cent. per annum* on such sum, not exceeding forty thousand pounds, as shall be the actual cost of the undertaking for the term or period, and in manner hereinafter mentioned, shall be guaranteed by the island: *May it therefore please your majesty, on the humble petition of the said Richard Revett, that it may be enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,*

Preamble.

First—That it shall be lawful for the said Richard Revett and his assigns, and he and they is and are hereby empowered to make and maintain a floating dock or gridiron in the harbour of Kingston, at or near Kingston, Jamaica, in such position as shall not impede the navigation of the said harbour, with all proper and necessary works and buildings, and capable of receiving and repairing vessels, including steam vessels of at least three thousand tons registered tonnage, in a safe and proper manner; and he and they shall also have power and authority to purchase and hold lands, tenements, and hereditaments to him and them, and his and their heirs, successors, and assigns (not exceeding one hundred acres), for the use of the said undertaking, without incurring any of the penalties or forfeitures of the statutes of mortmain; and also shall have power to sell and dispose of so much and such part or parts of the said lands, and tenements, and hereditaments again as shall not be required for the purposes of the undertaking: *Provided*, That whilst and so long as the island shall be liable to meet the guarantee under this act, the sanction of the governor of this island to such sale shall be first obtained. *Provided nevertheless*, That in the event of such floating dock or gridiron

Power given to make a floating dock in Kingston harbour.

to purchase and hold lands,

and sell parts of same.

Dock to be completed by 1st Jan'y, 1866.

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not

not being completed, and in fit order for use by the first day of January, one thousand eight hundred and sixty-six, the powers, authorities, and guarantee given by this act shall cease and determine, unless an extension of time be previously obtained from the legislature of the said island of Jamaica.

By whom works may
be executed.

Second—The said Richard Revett shall be at full liberty to execute the said works by himself and his servants, or by contractors, or by means of a joint stock company, formed in Great-Britain, or elsewhere; and all the rights, powers, and authorities conferred by this act on the said Richard Revett shall be, and apply to, and vest in such contractors or joint stock company, to be formed and registered under the law of England, and with such provisions as may be necessary, as if the name of such contractors or company were originally inserted in this act in place of the said Richard Revett; and they shall be subject to the same penalties and forfeitures for the breach of any agreement mentioned or referred to in this act, and bound by all the provisions of this act as the said Richard Revett would be liable to, and bound by thereunder:

Company must be in-
corporated, and obtain
powers, &c.

Provided always, That such contractors or joint stock company shall have first procured themselves to be incorporated either in England or this island, and have obtained the statutable powers given to a corporation or joint stock company authorized to act in England, or in this island, founded upon and recognizing this act, and securing the priority and lien of the guarantee of this island upon the undertaking, dock, land, buildings, works, plant, machinery, and accessories, as given by this act; and, in the event of such contractors, or joint stock company being incorporated in England, that a copy, duly proved to be an examined copy, or certified to be a true copy by the officer to whose custody the original is entrusted of such act, charter, or letters patent, or certificate of incorporation, and the memorandum of association, and articles of association, shall be recorded in the office of the secretary of this island: *Provided also*, That no person or persons other than such corporation or company, incorporated as aforesaid, shall be entitled to the benefit of, or be made a party to this act, as the assign or assigns of the said Richard Revett, unless constituted by deed under the hands and seals of the said Richard Revett, and of the said assign or assigns, testifying, on the part of the latter, his or their acceptance of such assignment, and declaring and acknowledging the priority and lien of the guarantee of this island as given by this act; and, agreeing to become bound to all the provisions of this act, and except such a deed, or a duplicate, executed in all respects as the original, duly proved as required by law in this island for deeds

Provided

deeds of real estate, as to all the parties thereto, shall be recorded in the office of the secretary of this island; and such examined or certified copies, mentioned in the first proviso to this section, and such deed, or duplicate mentioned in the last proviso, shall, after being recorded, remain in the office of, and be kept by the said secretary, for the use of the government of this island, and the record, or any copy thereof, certified by the said secretary, shall also be receivable as evidence.

Third—It shall be lawful for the said Richard Revett to make any alteration or extension in the proposed dock or gridiron, for the requirements of the royal navy, that shall be required and approved of by the government of Great-Britain and Ireland, and to make such arrangements or agreements with such government for the expenses thereof as he may think fit: *Provided*, That no such alteration or extension as above mentioned, shall impair or prejudicially affect the construction or working of the proposed dock or gridiron for the public or general service and use thereof.

Alteration or extension of dock may be made.

Proviso.

Fourth—The said Richard Revett, and his assigns, or such company shall at all times afford priority of use of the dock or gridiron and machinery to the vessels of war of her majesty, and of her allies; and also to all packets and mail steamers, and other vessels in the employ of her majesty, or of the local government, over any other vessel requiring the use of the said dock, or gridiron, or machinery, and in such priority of order as the governor may from time to time direct.

Her majesty's ships, &c. entitled to priority of use of dock.

Fifth—In case it shall appear that the said sum of forty thousand pounds is insufficient to make and execute the works hereby authorized, and the necessary plant and stock for the proper working and use of the same, the said Richard Revett, and his assigns, or such company may, and he and they is and are hereby authorized to borrow and take up at interest any further or additional sum or sums (not exceeding ten thousand pounds in the whole), on the credit of the said undertaking and works, which shall be a charge on the same, concurrent with the advances made and to be made by the island under the guarantee by this act given, and payable on any sale of the undertaking in the event hereinafter provided for *pari passu* with the amount which shall at the time of such sale be due to the island in respect of such advances; and the interest of the sum which shall be taken up on loan of the said sum of ten thousand pounds shall be payable and deducted half yearly out of the income to arise from the said undertaking: *Provided nevertheless*, That the consent

Authority to borrow £10,000 at interest, with consent of governor.

Proviso.

of

of the governor, with the advice of the executive committee, be first had and obtained to such borrowing, and a statement of the sums borrowed, and from whom, shall be given in the next quarterly and annual account; and every security taken under this section shall refer to and be subject to the provisions of this act.

Nett income of undertaking how applicable.

Sixth—That the annual net income of the said undertaking shall be applied, first in reduction or payment of the guaranteed advances, and next in payment in or towards the interest of the loan of ten thousand pounds (if required, and if obtained,) pursuant to the power for that purpose in this act given.

Accounts to be kept and balanced quarterly.

Seventh—That the said Richard Revett, and his assigns, or such company shall, and they are hereby required, to cause a true, particular, and exact account to be kept, made up, and balanced quarterly in every year; that is to say, on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year, of the moneys received by or for the use of the said Richard Revett and his assigns, or the said company, by virtue of this act, and of the charges and expenses attending the making, maintaining, and carrying on the said undertaking, and of all other the receipts and expenditure of or for the said Richard Revett, and his assigns, or such company, in relation to the said undertaking, made up to the said several periods; and in the said accounts the receipts and expenditure for, in, and about the making, constructing, and laying down the said floating dock, or gridiron, and works, and furnishing the plant, machinery, and accessories thereof, shall be made and kept separate and distinct from the receipts and expenditure arising from the use and carrying on of the said undertaking, and such accounts shall also shew the stock in trade, and all credits and liabilities of the said Richard Revett, and his assigns, or such company, in relation to the said undertaking; and all usual and proper accounts, receipts, vouchers, and documents in connection therewith shall be regularly preserved and kept arranged in such order and manner as to ensure easy access and reference thereto; and the said account, so to be kept, made up, and balanced as aforesaid, when examined and verified, shall be signed and certified by the said Richard Revett, and his assigns, or one of them, or by any one or more of the directors of such company, or the manager or authorized agent of the said Richard Revett, and his assigns, or such company, and be approved and countersigned by the inspector or director appointed by the governor of this island.

Eighth

Eighth—That on the said floating dock, or gridiron, and works being fully completed and laid down in the harbour of Kingston, ready for use, and within six months thereafter, the said Richard Revett, and his assigns, or such company, shall render and give to the governor of this island a true, exact, and particular statement and account, made up in quadruplicate, of the costs and expenses of and attending the making, and constructing, and laying down of the said floating dock, or gridiron, and works, and of the plant, machinery, and accessories thereof, including the purchase of land, and the erection of the necessary buildings thereon; and such statement and account shall be made up in such form and detail, and with such particulars as the governor and executive committee of this island shall require, and shall shew the application thereto of all monies derived from the said sum of forty thousand pounds, and from any additional sum which may have been taken up by way of loan under the powers given by this act; and such statement and account shall be signed and certified, and duly declared to by the said Richard Revett, and his assigns, or one of them, or by any one or more of the directors of such company, or by the manager, or authorized agent of the said Richard Revett, his assigns, or the said company, such declaration, if made in England, to be pursuant to the imperial statute of the fifth and sixth William fourth, chapter sixty-two; and, if made in this island, pursuant to the island act sixth Victoria, chapter twenty-four, and shall be examined and attested by the inspector or director appointed by the governor of this island; and the parties making the said declaration shall therein duly declare to the effect that the said statement and account is just and true in the particulars thereof, and that all the costs, charges, and expenses of and attending the said undertaking to the time of the completion and laying down of the said floating dock, or gridiron, and works, plant, machinery, and accessories whatsoever, have been fully paid and discharged, and that no claim or demand is subsisting in respect thereof; and the governor of this island, in relation to the said statement and account, shall have the like power of requiring the production and inspection of the books of account, receipts, papers, vouchers, and documents of and relating to the undertaking, with power to take copies thereof, and to examine parties thereon by such person or persons, or to require such explanations, deductions, or corrections in like manner, and as is or are given by this act in respect to the quarterly and annual abstracts or accounts to be furnished under this act; and the said statement and account shall be dealt with in the same manner as the said other abstracts or accounts, and be published and laid before

Upon completion of dock the governor must be furnished with account of expenses incurred.

before each of the several branches of the legislature of this island; and the governor of this island may also call for and require such further assurance to be made and executed by and at the costs of the said Richard Revett, and his assigns, or of such company, to be duly proved and recorded, and remain in the office of the secretary of this island, for testifying and declaring after the completion and laying down of the said floating dock, or gridiron, and works, plant, machinery, and accessories, that the same are, and shall be, and stand charged with the lien and priority by this act declared.

Should the nett receipts not be sufficient to pay 6 per cent. interest on £40,000 the difference to be paid by the treasury.

Proviso.

If for five years the nett profits shall not pay one half of the advances made by the island, &c. the governor may sell the dock, &c.

Ninth—That if it shall appear from the quarterly and annual accounts by this act required to be made, and stated, and rendered to the governor of this island, that the receipts of each quarter, after deducting the costs and charges of maintaining and carrying on the said undertaking, including the interest on any sum that may be borrowed pursuant to the power for that purpose given by this act, shall be insufficient to pay an interest at the rate of six pounds *per centum per annum* on such sum, not exceeding the sum of forty thousand pounds, as shall be ascertained and fixed as the actual cost of the said undertaking, and as a principal or capital sum on which such interest of six pounds *per centum per annum* is to be guaranteed and paid, the said Richard Revett, and his assigns, or such company, shall be entitled to have and receive from the public treasury of this island (and the same is hereby made a charge upon the credit of the island), such sum as, with the surplus so appearing and found by such account, shall amount to an interest after the rate of six pounds *per centum per annum* on such principal or capital sum: *Provided always*, That the guarantee and payment is not to take effect and commence until the said floating dock, or gridiron, and works have been laid down and completed in good working order, and be ready for use, to the satisfaction of the governor of this island; nor shall such guarantee and payment be continued under any circumstances for any longer period than the term of twenty-one years from such commencement of the said guarantee.

Tenth—If for any five years consecutively of the term of twenty-one years from the commencement of the guarantee, the net profits of the said undertaking shall not be sufficient to pay one half of the advances which shall have been made by the island under the guarantee, and to keep down the interest of the loan, and the said Richard Revett, his assigns, or such company shall not, at the expiration of the said five years, pay off and discharge the whole monies which shall be then due to the island in respect of

of such advances, and release the island from all future liability and payment in respect of the guarantee under this act, it shall be competent for, and the governor and executive committee shall have power to sell and dispose of the said undertaking, and the lands, buildings, works, plant, machinery, and accessories, comprising the floating dock, or gridiron, by public auction, or private contract, for the most money that can be had or gotten for the same, with power to buy in and re-sell the same, without being liable for any diminution in price, and the proceeds thereof shall be applied in rateable proportion towards the advances made on such guarantee, and the amount which shall have been taken upon loan of the sum of ten thousand pounds, and then remain due with interest; and the surplus, if any, shall be paid to the said Richard Revett, his assigns, or such company; and thereupon all the rights and privileges of the said Richard Revett, and his assigns, and such company, under this act, shall cease; and the said company be and stand dissolved, except only for the purpose of winding up.

How proceeds shall be applied.

Eleventh—It shall be lawful for the governor to nominate and appoint an inspector or director at a salary not exceeding one hundred pounds a year, to be paid out of the income and earnings of the undertaking, and from time to time to remove such officer, and to appoint another in his stead; and such inspector or director is to have access at all reasonable hours to the books, accounts, receipts, papers, vouchers, and documents of and connected with the expenditure, income, receipts, and liabilities of the said undertaking, and to have and exercise the same powers as any other director, except being named or appointed a chairman of any meeting of the shareholders of any such company.

The governor may appoint an inspector and director, &c.

His authority.

Twelfth—Any person who shall wilfully and knowingly make, or put off, any false account, abstract return, entry, receipt, voucher, book, or paper, contrary to the provisions of this act, shall be guilty of, and be punishable as and for a misdemeanour.

Penalty for making a false account.

Thirteenth—That the said Richard Revett, and his assigns, or such company, having complied with the terms and conditions of this act, and the quarterly and annual account having been approved of, and the abstracts duly rendered and found satisfactory by the governor, as by this act required, it shall be lawful for the governor annually, during the continuance of the guarantee on the certificate of one of the auditors of public accounts of this island, by his warrant to direct the receiver-general

Governor by warrant to direct payment of such sum as will make up 6 per cent. on £40,000.

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ceiver-general

ceiver-general to pay, and the receiver-general shall thereupon pay, out of the treasury of the island to him, or them, or the company, or the treasurer or manager thereof, such treasurer or manager being duly authorized to receive the same by power of attorney first recorded in the office of the secretary of this island, and then left with the secretary of the executive committee of Jamaica, such a sum to be specified in the warrant as, together with the net profits of the undertaking, after such deductions, as hereinbefore authorized, will produce and yield a clear dividend, profit, or interest of six pounds *per centum per annum* for the year then elapsed, upon the said sum, not exceeding forty thousand pounds, as shall have been ascertained and fixed as the actual cost of the said undertaking: *Provided*, That it shall be shewn to the satisfaction of the governor of this island that the said Richard Revett, and his assigns, or such company, during the year elapsed, have duly carried on and kept in operation and use the said undertaking and works.

Proviso.

Account to be opened in public books, and all monies paid and received carried to debit and credit thereof.

Fourteenth—All such payments to be made, and all monies to be received by the receiver-general in reduction or re-payment thereof, under the provisions of this act, shall be carried to an account to be opened by him in the books of the public treasury, headed "THE FLOATING DOCK COMPANY'S GUARANTEE ACCOUNT."

Conditions on which guarantee is to be paid.

Fifteenth—To entitle the said Richard Revett, and his assigns, or such company, to such guarantee as aforesaid, it shall be requisite and necessary that he, they, or the said company shall have complied with the terms and conditions of this act, and shall have kept regular books of accounts of their receipts and disbursements during the year, and have entered therein true, exact, and particular accounts of all such receipts and disbursements, and have preserved all usual and proper accounts, receipts, vouchers, and documents, in connection therewith, and have furnished to the governor and executive committee the quarterly abstracts in duplicate in such form, and made up and balanced to such days as the governor, with the advice of the executive committee, shall from time to time require, one copy whereof, when approved of, to be published in the Gazette, by authority, as also annual accounts thereof in quadruplicate copies, whereof shall be laid before the legislative council and assembly, during their next sessions; which several accounts shall be signed, and certified, and declared to by the said Richard Revett, and his assigns, or one of them, or by any or more of the directors of such company, or by the manager, or authorized agent of the said

said Richard Revett, his assigns, or such company, and be countersigned by the inspector or director appointed by the governor; and it shall also be requisite and necessary that the said Richard Revett, his assigns, or such company shall, whenever required by the governor, have submitted all and every their books of accounts, receipts, papers, vouchers, and documents to the inspection of one of the auditors of public accounts of this island, or other person or persons to be appointed by the governor, with power, to such auditor or other person or persons to take copies thereof, or of any of them, and to examine the said Richard Revett, and his assigns, and his or their servants, and the directors, officers, and servants of the company touching the same; and that the account shall have been approved of by the auditor, or other person or persons so appointed, or that the said Richard Revett, his assigns, or such company shall have explained to the satisfaction of the governor and executive committee any objections which may have been made thereto, or have made the necessary deductions and corrections in respect thereof.

Sixteenth—If in any year during the term of twenty-one years from the first payment of the guarantee the net profits of the undertaking shall exceed eight pounds *per centum per annum* upon the paid up capital, the surplus profits of every such year shall be paid into the island treasury, and carried to the joint credit of the island and of the said Richard Revett, his assigns, or such company in an account to be headed "THE FLOATING DOCK COMPANY'S RESERVED FUND ACCOUNT;" and the receiver-general shall, from time to time invest at interest, either in Great-Britain or this island, such surplus monies at the credit of such accounts in such public or other securities as the governor shall, by his warrant, direct, there to accumulate at interest till required and drawn out under warrant of the governor, for the purpose of being applied to some payment hereby authorized.

Profits over 8 per cent. upon the capital to be paid into island treasury to credit of reserved fund account.

Seventeenth—The reserved fund shall be always applicable in the first instance to the repayment of any advances which shall have been made from the public treasury for the interest by this act guaranteed, and if any surplus shall remain in any year not required for repairs, the same may be appropriated towards the payment of any sum or sums of money borrowed as aforesaid, but it shall be lawful for the governor, with the advice of the executive committee, by his warrant to authorize the payment of any part of such surplus at the credit of the fund at any time for or towards repairs of the undertaking, and the machinery thereof, for the extension and improvement

Reserved fund applicable to repayment of advances, &c.

ment of the same respectively, if such application shall at any time be deemed advantageous.

Dividends not to exceed 6 per cent. under certain circumstances.

Eighteenth—If the island shall have at any time been called upon and required to make good to the company any difference between the profits of the undertaking and the guaranteed interest of six pounds *per centum per annum* to the extent hereinbefore limited, which shall remain unpaid, and there shall not be sufficient monies at the credit of the reserved fund to meet the repayment, it shall not be lawful for the company to apply or appropriate any larger portion of any subsequent profits beyond six pounds *per centum per annum* towards dividends among the shareholders until all advances under the guarantee and loan herein contained, with interest as aforesaid, shall have been refunded; and all surplus profits beyond six pounds *per cent.* upon capital, to the extent aforesaid, shall, in the mean time, be carried to the reserved fund.

Government may purchase the dock should the profits not amount to 6 per cent. for 3 years.

Nineteenth—If for any three years consecutively of the said term of twenty-one years the net profits of the undertaking shall not amount to six pounds *per centum per annum* on the paid up capital, to the extent aforesaid, it shall be lawful for the government of this island to purchase the said undertaking, and the lands, buildings, works, plant, machinery, and accessories, comprising the said floating dock or gridiron, for the cost price of their completion, deducting at the rate of five pounds *per centum per annum* from the day of the completion of the work and of the commencement of the guarantee for wear and tear, and deterioration, and also deducting any sum which shall be then due to the island in respect of advances under the guarantee, and the purchase by the island shall be free, and discharged of any claim by the parties holding security in respect of the amount which shall have been taken up as loan as authorized under this act, who shall thereupon be entitled to be paid such their claims out of the residue of the purchase-money; and the government shall have power to sell and dispose of the said undertaking by public auction or private contract for the most money that can be got for the same; and, upon payment of such purchase-money, all the rights and privileges of the company under this act shall cease, and the company be and stand dissolved, except only for the purpose of winding up.

Upon notice payment of interest under guarantee to cease.

Twentieth—If at any time the said Richard Revett, or his assigns, or such company, shall give notice to the governor of the island that he or they do not require the further payment of interest under the guarantee by this act provided, the same shall

shall thereupon cease and determine, and all the powers and authorities given and conferred by this act on the governor to appoint an inspector or director, or to require the payment over of any of the income of the undertaking, shall also absolutely cease and determine: *Provided always*, That the island shall be repaid either by such reserved fund alone, or in connection with any other payment to be made by the said Richard Revett, and his assigns, or such company, all payments or advances which may have been made pursuant to the guarantee provided by this act.

Proviso:

Twenty-first—In the case provided by the foregoing section, in order to ensure the proper keeping and working of the said undertaking, *it is declared*, That the said persons in whom the same shall at the time be vested, shall give security by bond, or otherwise, to the satisfaction of the governor, in a sum of ten thousand pounds, for the due keeping in repair and use the said undertaking, and works connected therewith.

Parties in whom dock is vested to give security in the sum of £10,000 for keeping same in repairs, &c.

Twenty-second—All the powers and provisions contained in an act, passed in the twenty-second year of the reign of her majesty, entitled "*An act to establish and incorporate The Jamaica Slip Dock Company*," and the act, passed in the twenty-third year of the reign of her majesty, entitled "*An act to amend an act, entitled 'An act to establish and incorporate the Jamaica Slip Dock Company,'*" shall be, and are hereby repealed.

Powers and provisions of 22d Vic. cap. 38, and 23d Vic. cap. 34, repealed.

C A P. XLI.

An act to provide for extending the line of steam communication between this island and New-York.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:

It shall be lawful for the governor to name any two members of the executive committee, on behalf of the public of this island, to enter into agreement with Alfred Holt, his executors, or administrators, with whom there is an existing contract under the acts of the twenty-second Victoria, chapter forty-eight, and twenty-third Victoria, chapter eleven, for promoting steam communication between this island and the United States, to extend the present line of such communication by providing that the steam vessels from time to time employed under such contract shall touch at Falmouth and

The governor may name two members of executive committee to agree with A. Holt to extend present communication with New-York to Falmouth and Montego-Bay.

Proviso.

and Montego-Bay alternately on each trip or passage from this island to New-York, to receive mails, and cargo, and passengers: *Provided*, That the time fixed under the recited contract for each such-trip or passage shall not be lengthened by the alteration or alterations hereby authorized in the route of any such steam vessel; and, that such contract shall not extend beyond a period of three years from the commencement of the original contract entered into with the said Alfred Holt and the government of this island, on the eighth of September, one thousand eight hundred and sixty; and, for such additional service, the sum of six hundred pounds, residue of the amount of six thousand pounds provided under the recited acts, after paying the sum of five thousand four hundred pounds under the recited contract, shall be, and is hereby appropriated.

C A P. XLII.

ANNO.

An act to continue in force, for a limited period, the acts of the eleventh Victoria, chapter twenty-eight, and the fourteenth Victoria, chapter forty-seven (insolvent debtors' law), and for other purposes.

C A P. XLIII.

An act in aid of the volunteer militia force act, (twenty-third Victoria, chapter thirty-two), and to enable the enrolment of infantry and artillery volunteers.

Preamble.

WHEREAS it is expedient to provide for the enrolment of foot as well as mounted volunteers, or of either infantry or mounted volunteers, as may be practicable in any parish; and also a company or troop of foot or horse volunteer artillery in the city of Kingston, and each of the towns of Spanish-Town, Falmouth, and Montego-Bay; and it is also necessary to amend the laws respecting the militia, and the volunteer militia force: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Certain portions of 23d Vic. cap. 32, repealed.

First—So much of the act for raising a volunteer militia force (twenty-third Victoria, chapter thirty-two), as requires that the volunteers to be raised thereunder shall be mounted, is hereby repealed, but without prejudice to any thing done thereunder; and companies of foot, and troops of mounted volunteers, or either respectively, may be enrolled in the several

several parishes of this island, as the governor may find practicable, for each parish.

Second—There may also be formed, in the said city of Kingston, and each of the towns of Spanish Town, Falmouth, and Montego-Bay, a company or troop of foot or horse volunteer artillery, to consist of not exceeding fifty privates each.

Horse artillery may be formed in certain towns.

Third—The qualification for serving in a mounted troop, or horse artillery troop, shall be the same which is prescribed by the recited act; and every person, not disabled by bodily infirmity, and possessing an income of forty pounds *per annum*, may tender his services as a volunteer to serve in any company of foot, or foot artillery volunteers.

Qualification for serving in same.

Fourth—The number of volunteers to be raised respectively in the understated parishes shall be increased from the number limited in the recited act to that next mentioned, *videlicet*,

Number of volunteers may be increased.

In Kingston from sixty to one hundred privates.

Saint Catherine from fifty to sixty.

Trelawny from sixty to ninety.

Saint James from sixty to ninety.

Fifth—No company or troop shall consist of less than twenty, nor more than thirty privates.

Strength of company.

Sixth—So much of the second section of the recited act as prescribes the number and grades of officers is hereby repealed; and the officers for each company or troop shall be a captain, a lieutenant, a second lieutenant, or cornet, and a surgeon, with a bugler or trumpeter.

Officers thereof.

Seventh—So much of the third section of the recited act as requires the custos of each parish to submit to the governor the names of such of the persons desirous to serve as officers, as shall seem most eligible, is hereby repealed, but without prejudice to any appointment made, or thing done thereunder; and, in lieu thereof, the custos shall submit to the governor the names of all persons who shall notify, as by the act directed, their desire to serve as officers; and thereupon such of the persons whose names shall be so submitted, as the governor shall approve of, shall be gazetted of the respective grades for which they may hold commissions, or to which they shall have been appointed by the governor, and shall enter upon

Custos to submit names of persons willing to serve as officers.

upon their duties, and exercise authority as officers, as in the recited third section is provided.

How companies of foot, mounted, or artillery volunteers may be formed, &c.

Eighth—Every company of foot, or mounted volunteers, and every company of foot, and troop of horse volunteer artillery respectively, shall be formed, and the officers and men shall be appointed and admitted thereto respectively in like manner as is by the recited act as by this act amended, and also as by this act authorized or required, and provided, in respect to the appointment of officers, and the admission of volunteers, and the several officers and men, so to be appointed and admitted into the companies of foot or mounted volunteers and companies, or troops of foot or horse volunteer artillery respectively under this act, shall be subject unto all the enactments, provisions, duties, obligations, and requirements, and entitled to all the benefits or rights to which the officers and men of the volunteer troops under the recited act are subject and entitled.

Any officer in the militia may be appointed an officer in volunteer company, &c. retaining his rank in former.

Ninth—Notwithstanding anything to the contrary in the recited act contained, every officer in the foot or horse militia respectively may, if he shall be willing, be appointed as an officer in any volunteer company or troop under the recited or this act, as of a rank or grade lower than that held by him in such militia as aforesaid, but he shall nevertheless retain his rank and grade in such militia, so as to entitle him to promotion therein, and in all respects, and to all intents and purposes whatsoever, except only when he shall be serving with the company or troop to which he may have been appointed, or in matters connected with service therewith, and then or therein he shall take rank, and have authority according to his grade in such company or troop.

Person after first appointment may be promoted, &c.

Tenth—Every person, after his first appointment as an officer of any troop or company, may be promoted to higher rank by the governor; but every first appointment as an officer, in consequence of any vacancy, must be made in the manner prescribed for original appointments from among the persons from time to time submitted by the custos as desirous of serving as officers.

23d Vic. cap. 32, to be read as part of this act.

Eleventh—Except in so far as altered by, or inconsistent with, or repugnant to any of the provisions of this act, the recited act of the twenty-third Victoria, chapter thirty-two, and its several provisions, are hereby incorporated with, and shall be read as parts of this act.

Twelfth

Twelfth—Notwithstanding anything to the contrary in the recited act of the twenty-third Victoria, chapter thirty-two, contained, it shall be lawful for the governor to cause the non-commissioned officers and privates of volunteer troops and companies respectively to be furnished with uniforms, and the expense thereof to be defrayed out of any monies already voted for militia or volunteer militia purposes.

Non-commissioned officers and privates may be furnished with uniforms.

Thirteenth—The lastly recited act, and this act, shall continue in force until the thirty-first day of March, one thousand eight hundred and sixty-five.

Duration of act.

C A P. XLIV.

An act to amend and in aid of the act of the twenty-second Victoria, chapter ten, for the formation of tramroads.

WHEREAS it is expedient to amend, in the respects after provided, the act of the twenty-second Victoria, chapter ten, for encouraging the formation of tramroads: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble.

First—The ninth section of the recited act, and the several enactments, from the twelfth to the fiftieth sections inclusively, are hereby respectively repealed.

Certain portions of 22d Vic. cap. 10, repealed.

Second—All debentures to be issued under the recited act shall be redeemable at the furthest at twenty-one years after the date thereof; but it shall be competent for the governor, in executive committee, at any time, on the expiration of four years after the issue thereof, to call in and pay off any debenture which shall be determined by lot, in such manner as the governor may from time to time direct, and notice of the distinguishing numbers of the debentures, so redeemable, shall be given in the Jamaica Gazette, by authority, and the interest on every such debentures shall cease from the day on which the same shall be so redeemable.

All debentures issued under said act to be redeemed in 21 years.

Third—Whenever any person or persons shall be desirous, at his or their own expense, of making a tramroad in any district or districts, it shall be lawful for such person or persons to form themselves into a company for such purpose, by the name and style of the "PROPOSED TRAMROAD COMPANY," designating the intended tramroad by the name it is intended to bear, and to apply to the main road commissioners by petition, in writing,

Persons desirous of erecting a tramroad, to form themselves into a company, &c.

X x

to

to be signed by such person or persons, their attorneys or agents, specifying the local situation, and length, and name of the proposed tramroad, and the points from and to which it is proposed to lay down the same, and the estimated cost of such tramroad, and the names of the plantations and lands from, through, or along which such tramroad will pass, and the roads along, over, or across which it is intended to carry the same, and stating that it is proposed to lay down and complete the said tramroad on the terms and conditions in this act defined.

Plan and section of such road to accompany petition to main road commissioners.

Fourth—A plan and section, made by some civil engineer, or sworn surveyor, on a horizontal scale of four hundred feet to one inch, and a vertical scale of fifty feet to an inch, and on no other scale, shall accompany every such petition, showing the direction and gradients of such tramroad, the plantations or lands through which it will pass, its relative bearing to any public road, and the points at which it is proposed that such tramroad shall traverse or meet any such public road; and such petition and plan shall be delivered to the secretary of the main road commissioners, and the petitioners shall cause a copy of such petition to be published in the Jamaica Gazette, by authority, and such petition, and the plan accompanying the same, shall be open for the inspection of all persons desirous of inspecting the same at the office of such secretary.

Objections may be taken to such petition.

Fifth—Any person interested in any lands through or along which such tramroad is intended to pass, and the engineers or commissioners of any road upon, along, over, under, or across which it is intended to be carried, shall be at liberty, at any time within three calendar months from the first publication of such petition, to leave with the secretary of the main road commissioners a statement, in writing, of objections to the granting of such petition, and the grounds and reasons of such objections, to be signed by such person, or his agent; and such secretary shall cause a notice of such objections having been made to be given to the persons who shall have signed such petition.

Petitions, &c. must be signed by petitioner, &c.

Sixth—All such petitions, and all objections to such petitions, shall be signed by the petitioner, his solicitor, or other agent, and notice of any matter by this act required to be given to any petitioner, or any person objecting to any such petition, shall be given to such solicitor or agent, and such service shall be a sufficient service for all purposes.

and considered by main road commissioners, who may grant or reject same, &c.

Seventh—The main road commissioners, at any meeting to be held not earlier than four calendar months next after the first publication of such petition, or at any adjournment of such meeting, shall

shall proceed to consider such petition, and any objections thereto, and may for that purpose hear the petitioners and the persons making any such objection, or their respective agents or council, and the said commissioners may from time to time call for and require the production, by the petitioners, of any sections or plans of such proposed tramroad, or any other information touching the same, and the said commissioners may grant such petition, or reject the same, or grant a modification of the same, with such variations and conditions as the said commissioners may think proper to make, as to the extent, line, or direction, or as to both or either of the termini of the proposed tramroad: *Provided always*, That no such variation shall be allowed until notice thereof shall have been given by the said company in the Jamaica Gazette, by authority, at least four calendar months before the making of the order of the main road commissioners, allowing any such variation; and whenever any petition shall be granted with any variation, an amended plan of such tramroad, in accordance with such variation, shall be deposited with the secretary of the said commissioners.

Provided.

Eighth—On the granting of such petition, in whole or in part, the said commissioners shall make a final order on such petition under the seal of the said commissioners, and signed by their secretary, and such order shall authorize the formation of the said tramroad, specifying the points from and to which, and the plantations or lands, or the names of the owners of the plantations and lands through, and the road or roads upon, along, over, under, or across which such tramroad may be carried, and the respective times within which the same shall be commenced and completed, and shall have power, on due cause shewn, to extend or vary the time fixed for such commencement and completion; and a plan of the said tramroad, certified by the secretary of the said commissioners, shall be annexed to such final order.

Final order to be made on granting such petition, authorizing formation of tramroad, &c.

Ninth—On such final order being made, and the construction of such tramroad being approved of, the said company shall be a body corporate, by the name and style of "THE TRAMROAD COMPANY," inserting the name borne by such tramroad, and by that name shall have perpetual succession, and a common seal, with power to contract, and sue, and be sued in all courts of law and equity; and also shall have power and authority to purchase and hold lands, tenements, and hereditaments to them and their successors and assigns for the use of the said undertaking, without incurring any of the penalties or forfeitures of the statutes of mortmain; and shall, by virtue of such final order, be authorized to construct and manage such tramroad accordingly, and subject to the supervision or direction of the main road commissioners,

Thereupon company to be a body corporate with certain powers, &c.

missioners, who may direct an inspection and report thereon at any time, to be made by the chief engineer of roads and bridges, or any sworn surveyor.

Capital to be raised
by issue of shares.

Tenth—It shall be lawful for the said company to raise among themselves the money required for the undertaking, by issuing shares of the value of not less than five pounds each, and numbered in regular numerical progression, beginning with the number (1); and every such share shall be deemed personal estate, and shall be transmissible as such.

Shares to be vested
in persons raising
them.

Eleventh—The several shares hereby authorized to be raised shall be vested in the several persons so raising the same, and their several and respective successors, executors, administrators, and assigns to their proper use and benefit, proportionally to the sum they shall severally contribute, and all persons, and their several and respective successors, executors, administrators, and assigns, who shall severally subscribe for one or more share or shares, or such sum as shall be demanded in lieu thereof towards carrying on and completing the said undertaking, and other the purposes of the said subscription, shall be entitled to, and receive at such times as the said company, or the directors of the said company, to be appointed as hereinafter mentioned, shall direct, in proportionate parts, according to the respective sums so by them respectively paid, the net profits and advantages which shall arise or accrue from the said undertaking to the said company as and when the same shall be divided by the authority of this act; and every person, having such property in the said undertaking as aforesaid, shall bear and pay a proportionate sum towards carrying on the same to the full amount of their respective shares in the said undertaking, but not further or otherwise.

No free shares to be
issued

Twelfth—No free shares shall be issued by the said company to any person, nor shall any person hold or possess any such free shares.

Subscribers to pay
calls when made.

Thirteenth—The several persons who shall subscribe for or towards the said undertaking shall, and are hereby required to pay the sums of money by them respectively subscribed for, or such parts or proportions thereof as shall from time to time be called for by the directors of the said company under the provisions of this act, and of the deed of settlement hereafter prescribed for the management and regulation of the said company, at such times and places as shall be directed by the said directors; and, in case any person shall refuse or neglect to pay the moiety by him so subscribed for, or the part thereof so called for at the time and in the manner required for that purpose, it shall be lawful for the said

said company, or for the said directors, to sue for and recover the same in any court of law or equity in the name of the said company.

Fourteenth—The company shall, and they are hereby required to cause the names of the several bodies, and the names and additions of the several persons who shall respectively be entitled to shares in the said undertaking, with the number of shares which they are then respectively entitled to hold, and the amount of the subscription paid thereon, and also the proper numbers by which every share shall be distinguished, to be fairly and distinctly entered in a book, to be kept by the clerk of the company; and, after such entry made, to cause a certificate or ticket under the hands of two of the said directors, or with the common seal of the said company affixed thereto, to be delivered to every such subscriber on demand, specifying the share or shares to which he is entitled in the said undertaking, such proprietor paying to the clerk of the said company no more than the sum of two shillings and six pence for every such certificate or ticket, and such certificate or ticket shall be admitted in all courts whatsoever as *prima facie* evidence of the title of such respective subscribers, their heirs, executors, administrators, or assigns, to the share or shares therein specified, but the want of such certificate or ticket shall not hinder or prevent the proprietor of any of the said shares from selling or disposing thereof; and such certificate or ticket may be in the words or to the effect following; that is to say,

Names of shareholders, &c. to be entered in a book.

“ TRAMROAD COMPANY.”

Form of certificate,

By virtue of an act of the legislature of the island of Jamaica, made and passed in the twenty-fifth year of the reign of her present majesty queen Victoria, entitled (here copy the title of this act). Nos

These are to certify that A. B. of _____ is a proprietor of the shares (or share) No. _____ of the tram-road company, subject to the rules, regulations, and orders of the said company, as well under the said act as under the deed of settlement, duly signed by him, and that he, the said A. B. his executors, administrators, and assigns is and are entitled to the profits and advantages of such share (or shares.)

Given under our hands (or under the common seal of the said company), the _____ day of _____ in the year of our Lord one thousand eight hundred and _____

Fifteenth—If any such certificate or ticket shall be worn out or damaged, then, upon the same being brought or shewn, at some _____ meeting

which may be cancelled, and another issued.

meeting of the directors of the said company, such certificate or ticket may be cancelled or destroyed, and another similar certificate or ticket may be given under the hands of two of the said directors, or under the common seal of the said company to the party in whom the property in such certificate or ticket, and the share or shares therein mentioned, shall be vested; or, in case such certificate or ticket should be lost, or burnt, or totally destroyed, then, upon due proof thereof, a similar certificate or ticket shall be given to the person who was the proprietor thereof, or entitled to the certificate or ticket so lost, burnt, or destroyed, and a due entry of the transfer of such certificate or ticket (if any such have been made), shall be entered by the clerk of the said company in manner herein directed, the said clerk receiving, for every such certificate or ticket, which shall be so given in exchange, no more than the sum of two shillings and six pence.

Monies raised to be laid out in purchase of lands, &c.

Sixteenth—All subscriptions, and money to be raised by the company under the powers of this act, shall be laid out and applied towards the purchasing lands, tenements, and hereditaments, and the costs and expenses incident thereto, together with all necessary machinery, engines, and other necessities for making and maintaining the said tramroad, and other works, and otherwise in carrying this act into execution.

Appointment of directors, &c. to be regulated by a deed of settlement.

Seventeenth—The appointment of all directors, save as hereinafter provided, and the appointment and management of all officers and servants of the said company, and all and every the regulations for the meetings of the said company, or the shareholders or directors thereof, or of boards, or quorums thereof, and the making of all rules, bye-laws, orders, and regulations, and the repeal or modification thereof, and the disposal of the said company, and all and every matter of detail in the management of the internal affairs and regulations of the said company, not by this act provided for, shall be governed by a deed of settlement, to be executed by every proprietor, or his or her representative in whatever capacity, such deed of settlement to be considered part of this act, and to be binding on all and every the proprietors or shareholders of the said company, whether executed by them or not: *Provided*, That no proprietor or shareholder who shall not have duly executed such deed of settlement shall be at liberty to vote at any general or special meeting or meetings of the shareholders on any question whatever: *Provided also*, That no rule, regulation, or bye-law contained in or made under the authority of the said deed of settlement shall, at the will or pleasure of any party, authorize the closing of the said tramroad, or prevent the use thereof at reasonable times, except at any time when, in consequence of any of the works being out of repair, or from other sufficient

Proviso.

Proviso.

ficient causes, it shall be necessary to close the said tramroad until such repair is completed.

Eighteenth—The clerk of the said company shall, in some proper book, to be provided by the said company for that purpose, enter and keep a true account and list of all the proprietors of the said undertaking, as also of their locality or places of abode, whether corporations or individuals, and all changes of such places of abode, as the same shall be reported to, or become known by him, and of the several bodies and persons who shall from time to time, by transfer or otherwise, become proprietors thereof, or entitled to any share therein; and every proprietor of the said undertaking (or being a corporate body, by their clerk or agent appointed), may, at all convenient times have recourse to, and peruse the same gratis, and may demand to have copies thereof, and of any part thereof, paying at and after the rate of one shilling for every one hundred and sixty words so to be copied; and if any such clerk of the said company shall refuse to permit any such proprietor or agent as aforesaid to peruse such book at all convenient times, or refuse to make such copy within a reasonable period at the rate aforesaid, he shall, for every such offence, forfeit and pay the sum of five pounds for the benefit of the said undertaking.

A true account, &c.
of the proprietors to
be kept by the clerk.

Nineteenth—The said directors shall have power, from time to time, to make calls for monies from the subscribers to, and proprietors of the said undertaking to defray the expenses of, or to carry on the same as they from time to time shall find necessary for such purposes, so that no such call shall exceed one-third part of the value of each share which any person shall be possessed of or entitled to in the said undertaking, and such calls shall not be made but at the distance of three calendar months at the least from each other, and thirty days' notice at least shall be given of all such calls by circular, to be addressed to each shareholder by the treasurer or manager of the company for the time being, the placing of which in the post-office nearest to the office or place of business of the said company shall be considered legal delivery thereof, which money, so called for, shall be paid to such persons, and in such manner as the said directors shall from time to time direct or appoint for the use of the said undertaking; and every owner of any share in the said undertaking shall pay his rateable proportions of the monies to be called for as aforesaid to such persons, and at such times and places as the said directors shall from time to time direct and appoint; and if any owner of such shares shall not so pay his rateable proportions, then and in such case, and so often as the same shall happen, such owner shall pay interest for the same at the rate of six pounds *per centum per annum* from the day appointed for payment thereof

Directors to make
calls for monies from
subscribers, of which
notice must be given.

thereof up to when the same shall be actually paid; and if any owner of any such share shall neglect or refuse to pay his rateable proportion, together with interest for the same for the space of two calendar months after the day appointed for the payment thereof, then it shall be lawful for the said directors to sue for the same, in the name of the said company, in the supreme court, by action of debt, or the said directors may, and are hereby authorized to declare the shares belonging to any person so refusing or neglecting to pay any such calls, together with interest in manner last aforesaid; and all monies by way of deposits calls, or otherwise paid thereon respectively, to be forfeited, and subjected to be sold in manner hereinafter directed: *Provided*, That no advantage shall be taken of any forfeiture in the said undertaking until notice, in writing, under the hand of the treasurer or manager of the said company, of such share having been declared by the said directors forfeited, shall have been given or sent by the post unto or left at the last known usual place of abode of the owner of such share or shares, nor until the declaration of forfeiture of the said directors shall have been confirmed either at a general meeting of the said company, or at a special general meeting of the said company, to be called for that purpose, and to be respectively held after the expiration of one month at the least from the day on which such notice of forfeiture shall be proved to have been given, and after such forfeiture shall have been confirmed by such general meeting, or special general meeting, the said company shall have the power to direct the said directors to dispose of the shares so forfeited.

Proviso.

Surplus of forfeited shares sold to be returned to party interested.

Proviso.

Twentieth—In case the money produced by the sale of any such share as shall be forfeited, by reason of the non-payment of any calls as herein authorized, shall be more than sufficient to pay all such arrears of calls as aforesaid, and interest thereon as aforesaid, and the expense attending the sale thereof, the surplus of such purchase-money shall, on demand, be paid to the party to whom such forfeited share shall have belonged: *Provided*, That the said company, or their directors, shall not, by virtue of this act, sell or transfer more of the shares of such defaulter in payment of calls than shall be sufficient, as near as may be at the time of such sale, to pay the arrears due by such defaulter for or on account of such call, and interest, and expenses attending the same; and from and after payment of such call, and the interest and expenses aforesaid, any share invested in the said company as aforesaid, which shall remain in their hands unsold, shall revert to and again become the property of the person to whom such share shall have belonged immediately before such forfeiture as aforesaid, in such manner as if such call had been duly paid.

Twenty-first

Twenty-first—In any action to be brought by the said company against any proprietor of any share in the said undertaking to recover any money due and payable to the said company, for or by reason of any call made by virtue of this act, it shall be sufficient for the said company to declare and allege that the defendant, being a proprietor of so many shares in the said undertaking, is indebted to the said company in such sum of money as the calls in arrear shall amount to for so many calls of such sums of money upon so many shares belonging to the said defendant, whereby an action hath accrued to the said company by virtue of this act, without setting forth the special matter; and, on the trial of such action, it shall only be necessary to prove that the defendant, at the time of the making of such calls, was the proprietor of the share in respect of which the calls were made, and that such calls were in fact duly made by the said company, and that such notice thereof was given as is directed by this act, without proving the appointment of the director who made such calls, and the said company shall thereupon be entitled to recover what shall appear due, including interest, computed as aforesaid on such calls, unless it shall appear that any such call exceeded one-third part of the value for every share, or was made within the distance of three months from the last preceding call, or without notice given by circular as aforesaid; and, in order to prove that such defendant was the proprietor of the said shares in the said undertaking as alleged, the production of the book in which the clerk of the said company is by this act directed to enter and keep the names and additions of the several proprietors of shares in the said undertaking, with the number of shares they are respectively entitled to hold, and of the locality or places of abode of the several proprietors of the said undertaking, and of the several persons and bodies who shall from time to time become proprietors thereof, or be entitled to any share therein, shall be *prima facie* evidence that such defendant is the proprietor of the said shares in respect of which such calls were made.

Declaration in case
of action against a
proprietor.

Twenty-second—In every case in which any proprietor of any share in the said undertaking shall die, become insolvent, or bankrupt, or go out of the island, or shall transfer his right and interest therein to some other person, and no register having been made of the transfer thereof with the clerk of the said company, it may not be in the power of any officer acting for the said company to ascertain who is the proprietor of such share, in order to give him or his executors, administrators, successors, or assigns notice of calls to be made on such share, or to maintain any action, suit, or any other proceeding against him, his executors, administrators, successors, or assigns for the recovery of the same, [and] the right of property of any share in the said undertaking shall

How shares may pass
to some other person,
&c. the owner of
which is dead, &c.

Y y

shall

shall pass from the original subscriber, or any proprietor thereof, to any other person, or to any body corporate, by any other legal means than by a transfer thereof in the form or manner herein specified, provided an affidavit shall be made and sworn to by two credible persons before any justice of the peace, stating the manner in which such share hath been passed to such other person, or to such body corporate; and such affidavit shall be delivered to and left with the clerk of the said company, to the intent that he may preserve the same, and register the name of every such proprietor, or the description of any such body corporate, in the register books of proprietors in such undertaking, to be kept in the office of the said company.

Company may purchase its own shares.

Twenty-third—It shall be lawful for the said company, if they shall deem it expedient, out of any surplus of monies or otherwise, to buy up any share in the said undertaking, which shall be offered for sale; and, in such case, it shall be lawful for them either to direct that any share so bought shall merge in the said undertaking, or that the same shall be transferred to the manager of the said company in trust for the said company; and any such share may, in such last-mentioned case, at any time thereafter be sold for the benefit of the said company, and for the raising of any sum of money which may be wanted for or towards the maintaining, repairing, or supporting the said tramroad, and other works belonging to the said undertaking, or any other purpose necessary for the carrying on the same.

Proprietors may sell their shares.

Twenty-fourth—It shall be lawful for the several proprietors of shares in the said undertaking, and their respective successors, executors, administrators, and assigns, to sell and dispose of any shares to which they shall be entitled therein, subject to the rules and conditions herein-mentioned, and the form of transfer of shares may be in the following words, or to the like effect, varying the names and descriptions of the contracting parties, as the case may require.

TRAMROAD COMPANY.

No.

Form of transfer.

I, A. B. of, &c. in consideration of the sum of £
paid to me by C. D. of *do hereby assign and*
transfer unto the said C. D. *share [or shares]*
numbered *of and in the* *tram-*
road company, to hold unto the said C. D. his executors, ad-
ministrators, and assigns (or successors and assigns), subject
to the same conditions as I held the same immediately be-
fore the executing hereof; and I, the said C. D. d hereby
agree to accept and take the said (share or shares) subject to
the

the said conditions, and to sign the deed of settlement of the company when required so to do.

As witness our hands, the day of 18

And, on every such sale, the transfer being executed by the seller and purchaser of such share, a minute thereof shall be taken and kept by the clerk of the said company, who shall enter the same in some book to be kept for that purpose, and endorse the entry thereof on the transfer, for which no more than two shillings and six pence shall be paid, and the said clerk is hereby required to make such entry or memorial accordingly, and, on request, a certificate of such transfer shall be delivered by him to the purchaser for his security, and for which certificate no more than two shillings and six pence shall be paid; and, until such memorial shall have been made and entered as above directed, such purchaser shall have no part or share of the profits of the said undertaking, or any interest for such share paid to him, nor any vote in respect thereof, as a proprietor of the said undertaking.

Twenty-fifth—The main road commissioners may direct the chief engineer of roads and bridges, or engineer of the county in which any tramroad is laid down, or intended to be laid down, to prepare and furnish plans, specifications, and estimates, and give supervision, and examination, and, in all respects to render such services, and perform such duties on, about, and in respect of any such tramroad, or intended tramroad, as the said main road commissioners may in their own judgement, or on the application of any tramroad company think it proper and advisable to direct; and the said engineer shall be paid such remuneration for such services as the governor, with the advice of the executive committee, shall award, which monies shall be paid and included as a charge in the cost of constructing or maintaining such tramway.

Main road commissioners may direct engineer to furnish plans, &c. of tramroad.

Twenty-sixth—It shall be lawful for the said main commissioners to order and permit, upon such terms and conditions, and subject to such rules and regulations as they may think proper, the said company to carry such tramroad upon and along any main or other public road or highway, or over, under, or across the same.

Tramroad may be carried along any public road.

Twenty seventh—It shall be lawful for the said company, with or without workmen and other servants, to enter up [upon] and take possession of any lands, being not more than one hundred yards from the line laid down in the plan annexed to such final order, as the line of the proposed tramroad, and to take and set out for such tramroad any part of the said land, not being more than twenty feet in breadth, and to cut drains, and to dig, and to carry

Company may take possession of lands for tramroads, &c. upon making compensation.

Y y 2

away

away any gravel, stone, sand, or other materials out of the grounds or enclosures of any person or persons (not being the ground whereon any house stands, garden, or yard, planted walk, or avenue to any house, or any parcel of provision ground), wherein such drain may be necessary for keeping the road in good order, or whereon any such materials are or may be found, and from time to time to carry so much thereof as the said company, or any person employed by them, shall judge requisite for making, draining, or keeping in repair, and amending such road or drain, paying such rates for such materials, and for the damage done to the owners and occupiers respectively of the grounds where and whence the same shall be dug and carried away, or over which the same shall be carried, as the main road commissioners shall judge reasonable; and if any person shall molest, hinder, or obstruct the said company, or the persons employed by them in cutting or covering any drains, or in digging and carrying away any gravel, stone, sand, or other materials as aforesaid, every person, so offending, shall, for every such offence, forfeit a sum not exceeding ten pounds.

Penalty on persons taking away materials gathered for making tramroad, &c.

Twenty-eighth—If any person shall, without the consent of the said company, take away any materials which shall have been purchased or gathered for the repair or use of any such road, or bridge, or drain, or any materials out of any quarry or pit, which shall have been made, dug, or opened for the purpose of getting materials for any such road, or bridge, or drain, without the permission of the said company, every person, so offending, shall, for every such offence, forfeit and pay any sum not exceeding ten pounds: *Provided*, That nothing herein shall prevent the person in possession of the land on which such quarry or pit is situate, from digging and removing materials thereout for his own use.

Proviso.

Three-fourths of cost of tramway may be advanced to any company by the governor,

Twenty-ninth—If, after any such final order shall have been made for the construction of any tramroad the said company may so desire, it shall be competent for the governor, in executive committee, and they are hereby required, on the recommendation of the main road commissioners, to cause to be advanced from time to time any sums of money in and towards the construction of such tramroad, not exceeding three-fourths of the estimated costs of such construction.

upon company shewing that it has expended one-fourth of that cost.

Thirtieth—Before such advance shall in any case be made the said company shall shew, to the satisfaction of the main road commissioners, that the amount which has been expended in the necessary prosecution of the undertaking is not less than one-fourth of the estimated cost thereof.

Thirty-first

Thirty-first—In any case in which it shall be found that the actual costs of such tramway shall exceed the estimated cost thereof, further call or calls shall be made on the shareholders for the sum, or at least one-fourth part of the sum, which shall be required to complete the same, and the governor, in executive committee, shall advance to the said company, on application, and on due proof of the sum so raised having been expended in the necessary prosecution of the said undertaking, a further sum not exceeding three-fourth parts of the sum required for the completion thereof.

Further calls shall be made where the cost exceeds the estimate.

Thirty-second—No sum of money shall be advanced under this act for the purpose aforesaid, unless and until an estimate of the cost and expense of making the said tramroad shall have been furnished and delivered to the said main road commissioners, and an estimate of the probable returns to be derived from the said tramroad, and from what sources, shall also have been stated and rendered to them.

No money to be advanced until estimates have been delivered to the main road commissioners.

Thirty-third—The monies to be advanced by such main road commissioners, and the interest at the rate of six pounds *per cent. per annum*, and a sinking fund thereon, to redeem the principal, shall be the first lien on such tramroad, and the fines and tolls thereof.

Monies advanced by public, &c. to be the first lien on tramway.

Thirty-fourth—It shall be lawful for the main road commissioners, from time to time to appoint such person as they may see fit, to be a commissioner or director for the supervision of the construction and management of such tramway; and the outlay and expenditure of the monies to be advanced for the making of the same, and from time to time to remove any such commissioner or director, and appoint some other person in the place of the commissioner or director so removed, or of any who may die.

A commissioner may be appointed to superintend construction, &c. of tramway.

Thirty-fifth—Whilst and so long as any monies shall be due or owing in respect of advances for the said tramroad and interest, an account of the receipts and expenditure of the said tramroad shall, by the said company, be made quarterly to the main road commissioners, and such accounts shall be audited as soon as may be yearly, by the sole commissioner of audit, and a copy of such accounts, when audited and allowed, shall be laid before the main road commissioners, and shall be published, on the direction of such main road commissioners, in the Jamaica Gazette, by authority.

Company to furnish accounts to commissioner of audit for examination, &c.

Thirty-sixth—The accounts of all monies to be expended or received on account of any such tramway for tolls, rates, commutation,

and pay balance in hand at end of each month to receiver-general, who shall retain

thereout interest and sinking fund on sum advanced.

tation, or otherwise on hand on account thereof, shall be audited by the commissioner, or director to appointed by the main road commissioners, as by this act provided, at the end of every month, and every balance then existing shall be paid into the hands of the receiver-general to the credit of such tramway, and the governor, in executive committee, is hereby required to retain so much of the said monies as shall, on the report of the receiver-general, be necessary to defray the interest of the monies advanced, at the rate of six pounds *per cent. per annum* on such tramway as shall become due each half year, and such further sum as and by way of sinking fund, as shall be fixed, to re-pay the principal sum to be advanced under this act in not less than twenty-one years.

Sinking fund to be created to pay off principal in twenty-one years.

Thirty seventh—That for the gradual redemption of any debentures, to be issued for the purposes of this act, there shall be established a sinking fund, to which sinking fund there shall be carried annually a sum sufficient to pay off the principal in twenty-one years, to be invested at interest in securities in this island, or in the public funds of Great-Britain, and accumulate the interest to be from time to time received on such investment, and the governor shall, by warrant under his hand, authorize payment from time to time thereof of the debentures issued under this act.

Surplus, after paying interest and sinking fund, to be applied to redemption of debentures.

Thirty-eighth—If, after providing at the end of each year for the interest and sinking fund above-mentioned, and for interest at six *per cent.* on the said shares held by any such company, there shall be any surplus, such surplus shall be forthwith applied to the redemption of any debentures issued on account of any such undertaking.

How title may be acquired to land taken for tramway.

Thirty-ninth—After any lands shall have been taken and set out under this act for any tramroad, it shall be lawful for all bodies politic or corporate, tenants for life or entail, or for any other partial or qualified estates or interest, on behalf of themselves and their heirs, executors, and administrators, and also of all persons seized and entitled in remainder or reversion for their respective estates and interests, and for the husbands, guardians, trustees, committees, or attornies of such of the owners, or proprietors, or persons interested in any of the said lands as shall be *femes covertes*, infants, lunatics, idiots, or persons absent from this island, or otherwise incapable of acting for themselves, and for all other persons whomsoever seized or possessed of, or interested in such lands, to contract for, sell, and convey the said lands unto the said tramroad company; and all such contracts and conveyances shall be made at the expense of the said company, as far as circumstances will permit, in the following form :

I, A. B.

I, A. B. of in consideration of the sum of Form of conveyance.
to me paid by the " Tramroad
Company," pursuant to an act, passed in the twenty fifth
year of the reign of her majesty queen Victoria, entitled (here
state the title of the act), do hereby grant and alien to the
said company, and their successors and assigns, all that
together with all ways, rights, and appurtenances
thereunto belonging, and all such estate, right, title, and
interest in and to the same, and any part thereof, as I am or
shall become seized or possessed of, or as I am by the said act
authorized or empowered to convey, to hold the premises to
the said company, their successors and assigns for ever, ac-
ording to the true intent and meaning of the said act.

In witness, &c.

Fortieth—It shall be lawful for the said company to pay to the owner of any land which may be so entered upon or set out and taken under this act, and to any other person having any estate or interest in, or charge upon such land, or any part thereof, such sum of money as such main road commissioner shall deem reasonable by way of compensation for the injury done to any land which may be so entered on, or for the value of any land which may be so taken for the purposes of such tramroad.

Compensation for injury to lands, &c. be paid by company,

Forty-first—It shall be lawful for the said company, in lieu of compensation in money, to grant to the owner of any plantation or lands, who may be willing to accept, the same, the right to make use of such tramroad within the limits of such plantation or lands, without any charge, or at a reduced charge for the same, upon such terms or conditions as may be agreed upon.

which may grant right to use of tramway in lieu.

Forty-second—If the compensation offered shall be refused by the owner, or any persons having any estate, or interest in, or charge upon such lands, or if no compensation shall be offered to such owner or other person, then the like proceedings shall be had and taken under this act in respect to the formation of any tramroad, or alteration of any tramroad previously made, as are provided to be taken under "The Main Road Act, 1857," (twenty-first Victoria, chapter thirty-two), or any subsequent or other act now or hereafter to be in force in respect to the alteration of any main road, or the laying out of any new road; and such main road act, from section ten to section twenty-two inclusively, and any such subsequent or other act, as far as the same shall be applicable, shall be incorporated with this act, and the engineer of the county in which the proposed tramroad is, or alterations are intended to be made, shall be the engineer to act for all purposes under this act.

Provision in case compensation is refused, &c.

Forty-third

Compensation may be deposited with receiver-general in certain cases,

Forty-third—If any question shall arise as to the title of the owner of, or other person having estate or interest in, or charge upon any lands taken for the purpose of this act, it shall be lawful for the said company to deposit the compensation payable in respect of such lands with the receiver-general, to be placed to the credit of the parties interested in such lands (describing them so far as such company can do), subject to the control and disposition of the supreme court of this island.

and distributed, by order of supreme court, in a summary manner.

Forty-fourth—Upon the application by any party making claim to the money so deposited as last aforesaid, or any portion thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said supreme court, in a summary way, and after such notice, as to the court shall seem fit, and to such person or persons as the court shall direct, order distribution of such monies according to the respective estates, titles, or interests of the parties making claim to such money, or lands, or any part thereof, and may make such other order in the premises as to such court shall seem fit.

Parties in possession of lands to be deemed entitled to compensation.

Forty-fifth—If any question shall arise respecting the title of the lands in respect whereof such monies shall have been so deposited as aforesaid, the parties respectively in possession of such lands, as being the owners thereof, or in receipt of the rents of such lands, as being entitled thereto at the time of such lands being taken shall be deemed to have been lawfully entitled to such lands, until the contrary be shewn to the satisfaction of the said court; and unless the contrary be shewn as aforesaid, the parties so in possession or receipt, and all parties claiming under them, or consistently with their possession, shall be deemed entitled to the money so deposited, and the same shall be paid and applied accordingly.

Company may carry goods on tramroad, and levy fares, &c.

Forty-sixth—It shall be lawful for the said company, their successors or assigns, and they are hereby authorized to carry and convey upon the said tramroad, or any other road, all such passengers, produce, goods, and merchandize as shall be offered to them for that purpose, and to levy and take to and for their use and benefit, for such carriage and conveyance as aforesaid, such fares and tolls as the said company, their successors or assigns may from time to time fix, to be levied, with the consent of the main road commissioners, who shall have power to alter or amend the same; and a table of the said tolls shall be kept in some open and conspicuous place on or near to the said tramroad; and also, if they shall see fit, to receive from year to year such sum or sums of money, by way of commutation of the said tolls, from any person or persons using the said tramroad, as may be agreed.

Forty-seventh

Forty-seventh—It shall be lawful for the said company from time to time to make regulations:

and make rules in certain cases.

For regulating the using and working of the tramroad, and the loading or unloading of carriages on such tramroad.

For regulating the carriage of passengers, and the payment of the fares of such passengers.

For regulating the times of the arrival and departure of any such carriages, and for the preventing, or abatement, or removal of trespassers upon, or obstructions, or injuries, or destructions, to such tramroad,

Forty-eighth—For the better enforcing of such regulation it shall be lawful for the company from time to time to make bye-laws, and from time to time to repeal or alter such bye-laws, and make others: *Provided*, That such bye-laws be not repugnant to the laws of this island, or the provisions of this act, and that the same be approved and confirmed by the main road commissioners; and any person offending against any such bye-laws shall forfeit, for every such offence, any sum not exceeding ten pounds, to be imposed by the company in such bye-laws as a penalty for any such offence; and if the infraction or non-observance of any such bye-law or other regulation as aforesaid be attended with danger or annoyance to the person using such tramroad, or hindrance to the company in the lawful use of the tramroad, it shall be lawful for the company summarily to interfere, obviate, or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such bye-law.

Bye-laws to be confirmed by main road commissioners.

Proviso.

Forty-ninth—Such bye laws shall be painted on boards, or printed on paper, and pasted on boards, and hung up, and affixed, and continued on the front or other conspicuous part of every station of any tramroad, so as to give public notice thereof to the parties interested therein, or affected thereby, and such boards shall from time to time be removed as often as the bye-laws thereon, or any part thereof, shall be obliterated or destroyed, and no penalty imposed by any such bye-law shall be recoverable unless the same shall have been published, and kept published in manner aforesaid.

and printed and hung up in stations of tramway.

Fiftieth—Such bye-laws, when so approved and confirmed, published and affixed, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same; and, for proof of the approval, confirmation, and publication of any such bye-laws, it shall be sufficient to prove that a printed paper or painted board, containing a copy of such bye-

Bye-laws to be observed by all persons.

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laws,

laws, purporting to have been approved and confirmed by the main road commissioners, was affixed and continued in manner by this act directed; and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be.

Penalties payable to company, &c.

Fifty-first - All penalties imposed by such bye-laws, or this act, shall be payable to the company, and shall be recoverable in a summary manner before any two justices of the peace, and may be enforced according to the provisions of the act of the thirteenth Victoria, chapter thirty-five, or any other act now or hereafter to be in force relating to summary convictions or orders, and shall be carried to the credit of the trainroad in respect of which the penalty shall have been recovered.

Governor may direct possession to be taken of any tramway which for five years shall not yield a net profit sufficient to pay interest on advances, and rent the same.

Fifty-second - If for five consecutive years after the completion of any tramway, the net profits of any tramway, made under the provisions of this act, shall not be found adequate to reimburse the interest to accrue upon any advances to be made by the main road commissioners, or the governor, in executive committee, on account thereof, and if the said company shall thereafter, for the space of six months after the demand of payment, in writing, and signed by the secretary of the executive committee, shall have been served at any office of the said company, fail to pay to the receiver-general all arrears of such interest, it shall be lawful for the governor, in executive committee, to appoint any person a bailiff to enter upon and take possession of the tramway in respect whereof such default shall be made, and all carts, trucks, carriages, engines, machinery, animals, buildings, lands, and other chattels and things belonging or appertaining thereto; and thereupon it shall be lawful for the governor, in executive committee, to lease for the highest and best rent that can be obtained therefor the right to use and work such tramway, and all property, plant, buildings, and lands belonging thereto upon such terms as shall seem proper to the governor in executive committee: *Provided only*, It shall be conditioned that all fares and tolls shall be first applied towards the maintenance of such tramway in proper order and repair as shall be approved by the governor, in executive committee, and until payment of all arrears of such interest, and also of the whole, or such part as the governor, in executive committee, shall direct of the principal monies advanced on account thereof, all the rights and privileges of the company interested in such tramway shall cease, and all the rents and profits thereof shall be applied in or towards liquidation of such interest and principal moneys.

Proviso.

If company shall refund all advances, &c. powers of superintendence, &c. to cease.

Fifty-third - If at any time during the said term of twenty one years the said company shall refund all advances which shall have been

been made on account thereof, with interest thereon at the rate aforesaid, then all and every the powers of superintendence and control by this act given to the governor, or executive committee, shall cease and determine.

Fifty-fourth—In consideration of the great benefit to be derived to this island by the establishment of tramroads therein, all materials, goods, matters, and things whatsoever which shall be imported for the construction, maintenance, or use of any tramroad to be established under this act, shall be admitted free of all import duties or impost whatsoever, and all instruments and documents under this act shall be exempted from stamp duty.

Materials imported for tramways to be free of duty, and documents of stamp duty.

Fifty-fifth—The word “owner,” in this act, shall mean the person having the ostensible possession or enjoyment of the rents and profits of any lands.

Interpretation of word “owner.”

Fifty-sixth—So much of the recited act of the twenty second Victoria, chapter ten, as is not by this act repealed, shall be incorporated with and read as part of this act, and the same, together, may, for all purposes, be cited as “THE JAMAICA TRAMROAD ACTS, 1858—1862.”

Certain portions of 22d Vic. cap. 10, incorporated with this act.

C A P. XLV.

An act to extend the time for electing commissioners of highways and bridges for the current year of office.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:

In any parish wherein, in consequence of the act of the present session of the legislature, having only very recently passed, for consolidating and amending the laws relating to parochial highways, it may not be practicable to hold the special session of the peace thereby required within fourteen days after the first day of February for electing commissioners of highways and bridges for the current year of office; it shall be lawful for the custos, or senior resident magistrate, by the like notice, as is prescribed by the sixth section of the recited act, to call a special session of the peace for electing such commissioners for the current year of office, at any time on or before the first day of March now next; and all commissioners so elected shall exercise all the powers and authorities, and be charged with the like duties, and subject to the like penalties and obligations,

Where session of peace cannot be held on 1st Feb. custos may convene same for electing commissioners on or before 1st March,

who are hereby subject to same duties and liabilities as are imposed by 25 Vic. cap. 13, &c.

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gations,

gations, and otherwise to the provisions of such act, as if they had been elected within the period prescribed by the recited act, and the names of such commissioners shall be entered in the minute book kept by the clerk of the peace, and be published in the Jamaica Gazette, by authority, in like manner as is directed by such sixth section, and any vacancy occasioned by any cause mentioned in the eleventh section of such act may be filled as provided by such eleventh section.

C A P. XLVI

An act to repeal the third Victoria, chapter thirty-three, and twenty-first Victoria, chapter ten, relating to summary recovery of lands of small value, and to make other enactments in lieu thereof.

Preamble.

WHEREAS the acts of the legislature of this island, third of Victoria, chapter thirty-three, entitled "*An act to facilitate the recovery of possession of tenements after due determination of the tenancy*," and twenty-first Victoria, chapter ten, entitled "*An act to give a summary remedy for the recovery of lands of small value*," have not answered the requirements which they were intended to fulfil: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, That the said acts be, and the same are hereby repealed.*

Persons entitled to lands of the annual value of £12 may proceed summarily for recovery of same.

First—Any person who shall be lawfully entitled to any lands, the annual value whereof shall not exceed the sum of twelve pounds, and upon which any other person shall have entered, or of which such other person shall be in adverse possession, shall be at liberty to proceed for the recovery of such lands by summary application and proceeding before any two justices of the peace of the parish or precinct in which such lands shall be situate.

Form of summons to be used for initiating proceedings.

Second—The form of summons set forth in the schedule to this act marked A, shall be the means and process used for initiating such proceedings; and, upon due proof of the service of a true copy of such summons, at least twelve days before the day fixed for the hearing thereof, on the person sought to be ejected, such justices shall have power and jurisdiction to hear and determine such complaint.

Form of warrant for giving possession.

Third—The form of warrant set forth in the schedule to this act

act, masked B, shall be the means and process used for giving possession to the party who shall have proved his case; and such warrant shall be issued forthwith after judgment shall be found for such claimant; and all such warrants shall continue effective until fully executed.

Fourth—The stamps upon process under this act shall be two shillings on the original summons, and two shillings on the warrant to give possession, and six pence on each original subpoena, and no stamp duty, other than is hereby required, shall be imposed on any process, paper, or proceeding, under this act.

Stamp duties on process.

Fifth—The fees, upon process under this act, shall be ten shillings and six pence to the clerk of the magistrates for filling up and issuing the summons, and attending the trial, and taking down notes of evidence; three shillings for filling up and issuing the warrant to give possession, and one shilling for each original subpoena, and three pence for each copy, allowing both for the purposes of this clause and of the stamp duty, three copies to each original, and one shilling and six pence for recording the judgment or adjudication.

Fees upon process,

Sixth—All process under this act shall be served and executed by the police, except the warrant to levy costs, which shall be executed by the collector of petty debts of the parish or precinct in which the case shall be heard, and the surety bond entered into by any collector of petty debts shall be deemed and taken to include and cover the duties hereby required of any collector of petty debts; and every security of any collector of petty debts shall be liable for the duties hereby required to be performed, as if the same were required to be performed by the provisions of the petty debt act.

which must be served and executed by police.

Warrant to levy costs excepted.

Seventh—The justices shall have power to award costs to the extent of the fees payable to the clerk of the magistrates and the stamps, and one guinea for the attendance of an attorney at law if an attorney at law shall have attended; and the expenses of such witnesses as shall have attended and were material, according to a scale or rate to be fixed by a special session of justices, to be convened for that purpose, as often as occasion may require; and such costs shall be awarded to the party succeeding, either claimant or defendant, and shall be recoverable by a distress warrant according to the form set forth in schedule D, to this act.

Justices may award costs to party succeeding.

How such costs shall be recovered.

Eighth—Subpoenas, for the attendance of witnesses, shall be

Form of subpoenas to witnesses, &c.

be in the form set forth in the schedule C; to this act annexed, and any witnesses refusing or omitting to attend without reasonable cause, or attending, who shall refuse to give evidence, shall be proceeded against and dealt with under the provisions of the act of this island, thirteenth Victoria, chapter thirty-five.

Original deed, or plain copies of documents recorded, receivable as evidence.

Ninth—To facilitate and render inexpensive the production of evidence: *Be it further enacted*, That an original deed, which shews upon the face of it that it was proved, as by law required, and recorded, may be received in evidence, without calling the attesting or any other witness, and plain copies of documents of record in any public office of this island shall be also received in evidence, if accompanied by an affidavit, sworn to before a justice of the peace of any parish of this island, by two persons, stating that they carefully examined such copies with the original records, and that such copies are true and correct.

Power of justices to hear certain questions raised.

Tenth—The justices shall have power to hear and adjudicate upon any question of title, possessory or otherwise, which may be raised; and also as to the continuance or termination of a tenancy, and in all respects to have and exercise as full and ample jurisdiction as the superior courts of this island now have and exercise in respect of lands of greater annual value.

How the value of the land shall be established.

Eleventh—The value of the land sought to be recovered, if disputed shall, in the first instance, be established and determined by the justices, after calling before them and hearing such evidence in respect thereof as they may deem satisfactory; and the portion of land claimed shall alone be valued.

Persons equitably entitled to land may recover.

Twelfth—Any person equitably entitled to land of and under the annual value aforesaid, shall be authorized and allowed to proceed and recover, under the provisions of this act against a wrong doer, and the legal title shall only be allowed to intervene, and to prevail as between the legal and equitable owners.

Limitation as to costs in action of ejectment, &c.

Thirteenth—In no case shall any more costs be allowed or taxed to a plaintiff, or lessor of the plaintiff, suing and recovering in an action of ejectment brought in the supreme court than would have been recoverable and taxable if the case had been brought and prosecuted under the provisions of this act, unless a special verdict be found by the jury before whom the case was tried, and be endorsed on the record, shewing that the land recovered is of greater annual value than twelve pounds, be produced and shewn to the taxing officer at the time of taxation.

Fourteenth

Fourteenth—The justices before whom the case is heard and determined shall endorse their finding on the back or folding of the original summons, and sign the same; and all such original summons shall be carefully kept and preserved in the office of the clerk of the magistrates; and for a further record each clerk of the magistrates shall keep a bound book of printed forms, schedule A, and immediately after every adjudication one of such forms shall be carefully filled up in exact accordance with the original summons as disposed of; and, in the margin of such book shall be copied, opposite the form so filled up, the endorsements and other remarks of the justices, and the day of the issuing of the warrant, if judgment be found for the claimant, and a correct back and fore alphabet shall be kept to such book, and be brought up at all times within one week.

Justices to endorse their finding on original summons, &c.

Book of record to be kept.

Fifteenth—The right of appeal, given in cases of summary jurisdiction, and adjudication by justices, shall prevail in proceedings under this act.

Right of appeal.

Sixteenth—That the several forms in the schedules to this act contained, or forms to the like effect, shall be declared good, valid, and sufficient in law, and no proceedings shall be quashed for defect of form.

Forms declared valid.

Seventeenth—The word land shall mean and include houses, buildings, and other corporeal hereditaments.

Meaning of word "land."

SCHEDULE A.

Jamaica, ss.

Name of parish or precinct.

Take notice, that it is the intention of _____ of the parish of _____ (labourer or merchant, as the case may be), to apply, under the provisions of the act of the legislature of this island, entitled "An act to repeal the third Victoria, chapter thirty-three, and the twenty-first Victoria, chapter ten, relating to summary recovery of lands of small value, and to make other enactments in lieu thereof," to two of her majesty's justices of the peace, on _____ the day of _____ one thousand eight hundred and _____ at the court-house, at _____ at the hour of eleven of the clock in the forenoon, or at any time between that hour and the hour of three of the clock in the afternoon

afternoon of the same day, at which the justices may attend, to enquire into and adjudicate on the claim of the said to have possession delivered to him of the piece or parcel of land, with the buildings thereon, situate in the said parish of and containing, by estimation acres, roods, and perches, or feet, and butting and bounding (state the boundaries as correctly as can be), which said lands and premisses are claimed by the said as (state the estate claimed); and take further notice, that in the event of your not appearing, the case will be heard and determined in your absence.

Given under my hand, this day of
186 (as the case may be)

(To be signed by any magistrate of the parish in which the case is to be heard).

To of the parish of
(labourer or merchant, as the case may be),
the person now in possession of the land
and premises above-mentioned and described.

SCHEDULE B.

Jamaica, ss.

Name of parish or precinct.

Whereas, upon the complaint of (name of claimant) heard and adjudicated before us, the undersigned justices of the peace of the parish of on the day of 186 it was adjudged and determined that the said is legally entitled to the possession of the piece or parcel of land, with the buildings thereon, situate in the said parish of and containing by estimation acres, roods, and perches, or feet, and butting and bounding (state the boundaries as correctly as can be), which said lands and premisses are claimed by the said as (state the estate claimed): These are therefore, in her majesty's name, to authorize and require you forthwith to proceed to the lands and premisses in question, and, with such force as may be necessary, to take and deliver possession of the said lands and premisses to the said or to such agent as may attend on his behalf to receive such possession.

A. B. } justices adjudi-
C. D. } cating.

To the police of the parish of

SCHEDULE.

SCHEDULE C.

NOTICE TO APPEAR AND GIVE EVIDENCE.

*Jamaica, ss.**Parish or precinct.*

(Witnesses name and description).

To

These are to require you to appear and give evidence at the court-house, at in the parish of at o'clock on the day of 186 in a matter in which of the parish of seeks to recover possession of certain lands and premises situate in the said parish of from the person now in possession thereof, on the part and behalf of the said claimant (or defendant) : therefore fail not at your peril.

Given under my hand, this day of in the year of our Lord, 186

(To be signed by any magistrate of the parish in which the case is to be heard.)

SCHEDULE D.

FORM OF DISTRESS FOR COSTS.

*Name of parish or precinct.**To collector of petty debts for the parish of*

You are hereby required, on sight hereof, forthwith to levy the sum of pounds, being the amount of costs adjudged-against in favor of on the disposal of a certain application of the said against the said under the provisions of the act of the legislature of this island, twenty-fifth Victoria, chapter entitled (here set out the title to this act), together with the further sums of two shillings for executing this distress, and poundage at the rate of one shilling in the pound, on the amount of costs hereby directed to be levied upon the goods, except the necessary wearing apparel and tools of trade of the said and you are also required to sell the goods so distrained within the space of one week from and after such levy; and, out of the proceeds thereof, to satisfy the said

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of

of the amount of the said costs, and to retain to yourself the sum of two shillings, and the poundage, and to return any overplus to the said and you are hereby further required, in default of finding sufficient goods whereon to levy the whole of the said costs, and the said sum of two shillings, and the poundage, to arrest the said by the body, and imprison him for the space of ten days in the nearest goal, unless the amounts directed to be levied respectively, or so much thereof as thou canst not levy, be sooner paid; and, for so doing, this shall be your sufficient warrant.

*Given under our hands, this day of
in the year of our Lord, 186*

A. B. } adjudicating
C. D. } justices.

C A P. XLVII.

ANNUAL.

An act for granting to her majesty certain sums of money, required for the defraying certain expenses of the civil government, and certain other expenses connected with the public service, for the year one thousand eight hundred and sixty-two.

THE

ANNUAL LAWS OF JAMAICA

OF

THE SESSION OF 1861- 62.

A
T A B L E
OF
T H E A N N U A L A C T S
OF
T H E S E S S I O N O F 1861—62:

Shewing the Number of the Page on which each Act commences.

A N N U A L A C T S.		CAP.	PAGE.
[Passed 5th February, 1862.]			
CAP.	PAGE.		
42.	An act to continue in force, for a limited period, the acts of the eleventh Victoria, chapter twenty eight, and the fourteenth Victoria, chapter forty-seven, (insolvent debtors' law), and for other purposes		1
47.	An act for granting to her majesty certain sums of money, required for the defraying certain expenses of the civil government, and certain other expenses connected with the public service for the year one thousand eight hundred and sixty-two		3

THE
ANNUAL LAWS OF JAMAICA.

ANNO REGNI VICESIMO QUINTO VICTORIÆ.

C A P. XLII.

An act to continue in force, for a limited period, the acts of the eleventh Victoria, chapter twenty-eight, and the fourteenth Victoria, chapter forty-seven (insolvent debtors' law), and for other purposes.

WHEREAS an act, entitled "*An act for the relief of insolvent debtors, and for the more effectual collection and distribution of their assets,*" made and passed on the twenty-eighth day of December, one thousand eight hundred and forty-seven, and a certain other act, entitled "*An act to declare persons, who shall have been, or be convicted of fraud under an act, passed in the eleventh year of the reign of her present majesty, entitled 'An act for the relief of insolvent debtors, and for the more effectual collection and distribution of their assets incapable of holding certain offices in this island,'*" made and passed on the twenty-third day of May, one thousand eight hundred and fifty-one, have been, by several intermediate acts, continued in force until the thirty-first day of March, one thousand eight hundred and sixty-two, and it is expedient that the said two acts should be further continued in force: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows; that is to say:*

Preamble.

First—The said two several recited acts, and every article, clause,

The 11th Vic. cap. 28,
and 14th Vic. cap. 40.

continued in force until 31st March, 1863.

clause, matter, and thing in the same, and each of them respectively contained (save in respect to the firstly recited act as hereinafter mentioned, and save also in respect thereto, in so far as the same, or any of the provisions thereof have been repealed, or enacted, or provided for by the act to establish and regulate insolvent debtors' courts, of the twenty-first Victoria, chapter seven), shall be, and are hereby continued in force from the said thirty-first day of March, one thousand eight hundred and sixty-two, until the thirty-first day of March, one thousand eight hundred and sixty-three.

Salary of each official assignee fixed at £400 per annum.

Second—Instead of the salary of five hundred pounds granted by the firstly recited act to the official assignees, there shall be paid to each official assignee a salary after the rate of four hundred pounds *per annum*, commencing on and from the first day of April, one thousand eight hundred and sixty-two.

Their appointments to continue in force, &c.

Third—The appointments of the present official assignees shall continue in force, as if the same had been made after the passing of this act; and all recognizances, bonds, or securities which have been given by such respective official assignees and their respective sureties, as well as all proceedings had and taken under the present insolvent debtors' act, shall remain in full force and effect.

Every official assignee already, or to be removed from office, &c. to deliver to his successor all undistributed effects, books, &c. and make up and file accounts.

Fourth—Every official assignee already removed from office or resigned, or the executors or administrators of any deceased assignee, and every official assignee who shall hereafter resign, or be removed, and the executors and administrators of any official assignee who shall hereafter depart this life, shall deliver over to his successor in office, for collection, all undistributed estate, effects, and money, books of account, papers, and vouchers of all insolvents' estates in his hands since the vesting thereof in him; and shall also make up and file, in the office of the clerk of the supreme court, his further accounts with every such estate up to the day of the removal, death, or resignation of such official assignee; and if he shall fail to deliver over all such undistributed estate, effects, and money, books of accounts, papers, and vouchers as are by this act required, and within such time as the supreme court shall deem reasonable, it shall be lawful for the court, or any judge forthwith to issue an attachment to take the body of such defaulting official assignee into custody, and keep him imprisoned in any goal until he shall have fully complied with the provisions of this act.

The supreme court, or

Fifth—That it shall be lawful for the supreme court, or any judge

judge of the supreme court, if the supreme court be not then sitting, on motion or otherwise, to order and direct that any assignee who may at any time heretofore have been removed from, or have vacated office, or who may hereafter be removed from, or vacate office, or his executors or administrators, to discover, account for, and deliver over to his successor in office, all moneys, papers, documents, assets, estate, and effects whatsoever in anywise relating to the estate of any insolvent.

a judge thereof, to make order to account, &c.

C A P. XLVII.

An act for granting to her majesty certain sums of money, required for the defraying certain expenses of the civil government, and certain other expenses connected with the public service, for the year one thousand eight hundred and sixty-two.

WE, your majesty's dutiful and loyal subjects, the assembly of Jamaica, towards making good the supply which we have granted to your majesty, in this session, have resolved to grant unto your majesty the sums hereinafter mentioned, which are required to defray certain expenses of the civil government of this island, not otherwise provided for by law, and for other purposes, for the year one thousand eight hundred and sixty-two; and do therefore most humbly beseech your majesty that it may be enacted: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble

First—The receiver-general of this island do, from and out of any unappropriated moneys in his hands, pay and apply a sum not exceeding twenty-one thousand eight hundred and thirty-one pounds six shillings and two pence, for defraying the several charges and expenses of the civil government of this island, and other purposes, for the year one thousand eight hundred and sixty-two, set forth in the schedule to this act.

Receiver-general, out of unappropriated monies, to pay and apply the sum of £21,831 6s. 2d. to certain purposes.

Second -- A detailed account of all the moneys expended under the authority of this act shall be laid before the assembly of this island, during the first fifteen days of the session of the legislature next after such expenditure.

A detailed account of the expenditure of which must be laid before the assembly.

SCHEDULE.

Sums granted to her majesty by this act, and the purposes for which they are granted.

	£.	s.	d.
For paying the interest on Smith's charity, the sum of	108	0	0
For paying the following charities, <i>videlicet</i> :			
Merrick's	£72	0	0
Presbyterian institution	181	0	0
	253	0	0
For paying the interest on Woolmer's fund (£2400)	144	0	0
For paying to Judith Palmer, upon the terms and conditions required by the 80th clause of the 50th George 3d, chapter seventeen, passed to regulate the militia, upon a certificate being produced, signed by the rector, churchwardens, and members of the parish, or any two of them, that she is alive, the sum of	33	12	0
For paying to Isabella M'Ghie, upon the terms and conditions required by the 80th clause of the 50th George 3d, chapter 17, passed to regulate the militia, upon a certificate being produced, signed by the rector, churchwardens, and members of the parish, or any two of them, that she is alive, the sum of	33	12	0
For paying to James Popkin, late a policeman, by quarterly payments, provided his receipt shall be accompanied by a medical certificate that he continues blind, and is incapable of earning his support, the sum of	24	0	0
For paying to Millicent Evans, in consideration of her destitute situation, occasioned by the death of her husband, late sergeant of police, who was killed by a stone by some person or persons unknown, whilst in the execution of his duty, the sum of	6	0	0
For paying to Ann Lumsey, in consequence of the injury she sustained by a gunshot wound, which she received in December, 1841, at the riot in Kingston that month, while in the performance			

formance

	£.	s.	d.
formance of her peaceable avocations, and that such sum be paid annually, on its being certified by the rector and churchwardens that she is alive, the sum of	8	0	0
For additional grant to clerks, and contingencies in the treasury and audit offices, the sum of	300	0	0
For the services of the clerk in the stamp office, the sum of	150	0	0
For the services of an assistant clerk in the rum duty department, the sum of	150	0	0
For postages and contingencies in the rum duty department, the sum of	100	0	0
For the services of an additional clerk in the general post office, the sum of	120	0	0
For paying to the executive committee, for settlement of the claims of the rector of Saint George, in lieu of rectory house, glebe, and servants, and burial fees remaining unsettled to the 30th September last, and for costs incurred by him in an action at law, and in and about the judgment of the supreme court in the matter, on condition of his entering satisfaction on the said judgment, and concurring in the discontinuance of proceedings commenced and now pending in an appeal to the privy council of England from the said judgment, the sum of	708	0	0
For paying to John James Vidal, registrar of the diocese, for recording returns of parochial registers of baptisms, marriages, and burials, and for other services, the sum of	156	12	0
For paying to the committee of the Roman Catholics of the county of Cornwall, and leeward portion of the county of Middlesex, or any two of them, towards affording religious instruction to the Roman Catholics, for the year 1861, the sum of	100	0	0
			For

CAP. 47. THE ANNUAL LAWS OF JAMAICA. A. D. 1862.

	£.	s.	d.
For paying to the elders and members of the church of Scotland, as by law established, or any three of them, in aid of that institution, for the year 1861, the sum of	367	10	0
For paying to the executive committee, in aid in the erection of the chapel at Porus, in the parish of Manchester, the sum of	250	0	0
For payment of services performed by the crier of the supreme court, the sum of	20	0	0
For paying to Alexander Wells Aikman, solicitor to the crown, for law business performed, the sum of	264	7	8
For paying to the executive committee, on account of John Augustus Sullivan, esquire, provost-marshal-general, for warning jurors for the several courts of assize for the year 1861, for fees in the county of Surry, Middlesex, and Cornwall, on releasements and commitments of prisoners and debtors, and taking insolvents to be bailed to 30th September, 1861, the sum of	352	2	6
For paying to David J. Soares, being the amount of his account against the public as deputy-marshal, for taking debtors to be bailed, the sum of	5	14	0
For paying to William Nelson Lewis, late inspector of police, in consideration of sixteen years' service, broken health, almost total blindness, and destitution of circumstances, the sum of	60	0	0
For the contingencies of the legislative council of this island, the sum of	300	0	0
For paying to James Philip Clarke, £240; to James Gayleard, £240; and William George M'Farlane, £240, for their services as committee clerks, on the terms and conditions mentioned in and agreeably to the amended report in the clerk's office, agreed unto by the house on the 10th December instant	720	0	0
			For

	£.	s.	d.
For paying to the clerk of the assembly, to reimburse himself for contingencies of office the sum of £80, and also for paying to the said clerk to the assembly, to defray the expense of stationery and postages, the sum of £60, agreeably to the amended report in the clerk's office, agreed unto by the house on the 10th December instant	140	0	0
For paying to Samuel Tucker Webley, for his services as doorkeeper to the assembly, the sum of	35	0	0
For paying to the executive committee, for candles, ice, and oil, and for lighting up the assembly rooms, during the present session, the sum of	100	0	0
For paying to James M'Pherson, for keeping in repair the assembly clock for one year ending 31st October, 1861, the sum of	15	0	0
For the library committee for the purchase of the Parliamentary Debates for the assembly, the sum of	30	0	0
For salary to a clerk to the executive committee, the sum of	175	0	0
For the services of additional clerks to the executive committee, the sum of	175	0	0
For educational purposes, the sum of	3000	0	0
For paying to the executive committee, for completing the sewerage to the public hospital, in the city of Kingston, the sum of	1250	0	0
For paying to the executive committee, for the completion of the new lunatic asylum, and to provide residence for medical officer, the sum of	2000	0	0
For paying to the honorable Walter George Stewart, island secretary, for recording the laws, for furnishing the contractor for printing the laws with copies of the same, as they severally passed the legislature, and for other services, the sum of	101	7	6
			For

CAP. 47. THE ANNUAL LAWS OF JAMAICA. A. D. 1862.

	£.	s.	d.
For the pay of the non-commissioned officers and gunners employed in cleaning and repairing the island arms, the sum of	50	0	0
For supporting the Milk River Bath, in addition to the sum granted by law, the sum of	144	0	0
For paying to the executive committee, for the repairs required to the buildings of the Milk River Bath, the sum of	300	0	0
For supporting the Bath of Saint Thomas the Apostle, the sum of	144	0	0
For paying the salary of the island botanist, the sum of	300	0	0
In aid of the Botanic Garden establishment, and towards introducing an assistant botanist, the sum of	150	0	0
For paying to William Thomas March, Francis Robertson Lynch, and Charles Hamilton Jackson, esquires, to be by them expended for gardens in front of the public buildings and legislative council chamber, and for keeping up the same for the year 1862, the sum of	50	0	0
For the rent of a piece of land belonging to the Titchfield trust, the sum of	9	0	0
In aid of the royal society of arts in this island, the sum of	100	0	0
For paying to the royal society of arts for aid in their exertions for representing products of Jamaica at the great exhibition of 1862, the sum of	400	0	0
In aid of the agricultural society prizes in this island, and towards the importation of stock, the sum of	100	0	0
For paying to the members of the executive committee, to meet the commutation in lieu of back-passages to African emigrants, the sum of	230	0	0
			For

£. s. d.

For paying to Mrs. King, widow of the former superintendent of the general penitentiary, in consideration of her distressed circumstances, to reimburse her expenses consequent on her attendance to give evidence before the assembly committee of enquiry into the management of the general penitentiary, the sum of

6 0 0

For paying to the honorable Francis Lowe, being the amount of an order drawn by the justices and vestry of Clarendon on the receiver-general in favor of John Knox Montgomery, and by him endorsed to the said Francis Lowe for the second moiety of a contract of John Knox Montgomery, for the repairs of the rectory of Clarendon, the sum of

320 0 0

For refunding to David Smith, amount paid for stamp duty on bill introduced in the last session, but not proceeded with, for extending the Jamaica Railway, the sum of

80 0 0

For paying to the executive committee a sum not exceeding £600, for opening the river mouth at Passage-Fort and £400 to provide compensation for damages occasioned by inundations of the Rio Cobre at Passage-Fort, and to make or maintain a new cut of the river, on condition that this grant shall be taken as a final grant for the said purposes, the sum of

1000 0 0

For paying to the executive committee, for apportionment as compensation for damages occasioned by pulling down houses in Saint Thomas in the East, to prevent the spread of fire, the sum of

30 0 0

For paying to the executive committee, for laying out certain new roads in the parish of Saint Thomas in the Vale, agreeably to the diagrams laid before the house, the sum of

258 5 0

For the purpose of defraying the personal and travelling expenses and field allowances of geologists and mineralogists employed by her majesty's government for the geological survey of this island, the sum of

880 0 0

B

28

	£	s.	d.
To extend accommodation by building dormitory to the Kingston and Saint Andrew reformatory for girls, on condition of the association obtaining a lease and agreement for sale to them of the premises occupied, the sum of	150	0	0
For paying to the executive committee, to be by them paid to Augustus Constantine Sinclair, for compiling and publishing the debates in the assembly and legislative council during the present session; provided the publication of such work be made within four months after the prorogation, the sum of	150	0	0
For defraying expense of forwarding contract copies of Laws and annual Votes of the legislative council and Votes of assembly to members of the legislature, and other parties entitled to them, the sum of	30	0	0
For paying to the honorable Edward Jordon, C. B. for acting as speaker <i>pro tempore</i> during the absence, occasioned by illness, of Mr. Speaker, the sum of	300	0	0
For paying quarterly to Alexander Deleon, for salary as messenger to the house, for his care of the public buildings, and the upper part of the new buildings, as also for his care of the robes, and mace, and furniture in the new buildings, and hire of servants to attend the house for the year 1862, the sum of	250	0	0
For paying William Halliday, for his attendance on the members of the house this session, the sum of	15	0	0
For paying to Charles Deleon, for his attendance on the members of the house this session, the sum of	15	0	0
For paying to William Deleon, for his attendance on the members of the house this session, the sum of	30	0	0
For paying to Alexander Deleon, junior, for his attendance			

	£.	s.	d.
tendance on the members of the house this session, the sum of -	30	0	0
For paying to the library committee, for the purchase of books, and other contingencies of the library for the year one thousand eight hundred and sixty-two, the sum of -	100	0	0
For keeping the public buildings in order for the year one thousand eight hundred and sixty-two, the sum of -	500	0	0
For paying to the executive committee, for the repairs of the public hospital in the city of Kingston, the sum of -	500	0	0
For paying the salary of the island storekeeper, the sum of -	144	0	0
For paying to the honorable Walter George Stewart, the honorable Robert Osborn, Hugh W. Austin, and William Kemble, esquires, for the purpose of permanently repairing the bridge over the Angel's fording of the Rio-Cobre, the sum of -	225	0	0
For paying to the reverend Jonathan Edmondson, the superintendent of the Wesleyan mission in this island, or the superintendent for the time being, in aid of such chapels and buildings, as they shall satisfy the executive committee require repairs, the sum of -	100	0	0
For paying contract advertisements, and other printing not under contract, the sum of	150	0	0
For paying to the executive committee, to make good certain moneys belonging to patients at the public hospital, which were stolen on the occasion of the recent burglary at that institution, the sum of -	15	2	0
In aid of the Metcalfe dispensary, on condition that a report be sent to the assembly, shewing the expenditure of the amount, the sum of	100	0	0

B 2

For

CAP. 47. THE ANNUAL LAWS OF JAMAICA: A. D. 1862.

£. s. d.

For paying to George Owen, the lapsed amount of his annuity, the same not having been drawn by reason of his illness in the first instance, and afterwards in consequence of his name having been changed in the receiver-general's books, the sum of - - 18 0 0

In aid of the Saint George's alms house, Kingston, the sum of - - 30 0 0

For paying to the executive committee, for works and alterations, for erecting residence of superintendent of general penitentiary, the sum of - - 160 0 0

In aid of the Saint George's reformatory, the sum of 200 0 0

To provide mourning hangings for the cathedral Spanish-Town, on the occasion of the death of his royal highness the prince consort, the sum of - - 20 0 0

To complete the following bridges, *viz* :

Latium	£90	0	0
Williamsfield	70	0	0
Leyden	60	0	0
	220	0	0

For paying to the executive committee, for the repairs of Saint John or Woburn Lawn chapel, in the parish of Saint David, application for such repairs submitted in October, 1860, but not stated in the minute of vestry of Saint David, of August, 1861, and, in consequence, accidentally omitted from schedule of parochial repairs, the sum of - - 270 0 0

For remuneration to the commissioners of enquiry into the past and present management of the public hospital and lunatic asylum of Kingston, the sum of - - 300 0 0

For paying to the executive committee, to provide a boat, and necessary fittings to be used for the purposes of a water police in Kingston, and for the services of additional men, to be added to

the

	£.	s.	d.
the Kingston division of police, in aid of the force, and to be principally employed as a water police, with the powers and authorities, and subject to the provisions of "The Police Act, 1861," the sum of	250	0	0
For paying to the managing committee of the Kingston nurse training institution, in aid of the said institution, the sum of	100	0	0
For remuneration to John DeWalden for services rendered by him to the committee appointed to superintend the erection of the Metcalfe statue, the sum of	40	0	0
For placing (in conformity with his excellency the governor's first message of the twenty-first day of January last, in acknowledgment of the message of the assembly of the second January last, with reference to the impeachment of Mr. Justice Cargill, one of the judges of the supreme court), at the disposal of the executive committee, to defray all expenses attending the production of evidence which, in the opinion of the governor, and a majority of the privy council, may be necessary to the ascertainment of truth in the matter of the said impeachment, the sum of	500	0	0
For printing one hundred and twenty-five copies of the evidence taken before the commission appointed to enquire into the management of the public hospital and lunatic asylum, and the report founded on such evidence, the sum of	200	0	0
For paying to the contractors for printing the laws, for the balance of the account rendered for printing the forms in schedules A and B, annexed to the census act, such balance being in excess of the strict contract terms, but recommended as incurred in extra tabular work for the better presentation of such forms, the sum of	53	17	6
For paying to the sergeant-at-arms, for expenses incurred in executing the warrants of Mr. Speak-			

er pro

	£.	s.	d.
er <i>pro tempore</i> for taking divers persons into custody, the sum of	46	4	0
For completing the erection of an iron bridge over the Martha Brae river, in the parish of Trelawny, the sum of	300	0	0
	<u>£21,831</u>	<u>6</u>	<u>2</u>

Receiver-general to pay fees on a bill,

And the receiver-general is hereby directed to pay the fees for stamping the bill to provide for settlement of the claims of the present rector of Saint George, and his successors, for glebe, rectory house, servants, and fees.

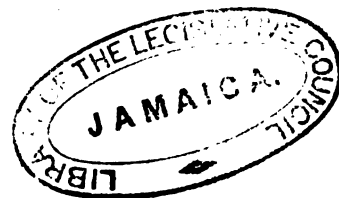
impress stamps on another,

And the receiver-general is also hereby directed to impress the necessary stamps on the bill to restore the rate of interest payable on the rectors' and curates' funds to the rate allowed by the ninth Victoria, chapter thirty-nine, and eighth Victoria, chapter thirty-eight.

and pay monies for main road purposes.

And his excellency the governor is hereby authorized, with the advice of the executive committee, to use, for main road purposes, out of the general revenue, a sum on loan not exceeding nine thousand six hundred and sixty-four pounds eighteen shillings and five pence, the estimated balance required for main roads and bridges during the current financial year, or so much thereof as may be necessary, if the same shall be required.

THE
LAWS OF JAMAICA.



ANNO REGNI VICESIMO SEXTO VICTORIÆ.

C A P. I.

An act to continue in force, for a limited period, an act of the eleventh Victoria, chapter four, for prohibiting the exportation of arms and ammunition from this island.

WHEREAS an act, entitled "*An act to enable the governor, or the person executing for the time being the functions of governor, to issue her majesty's royal proclamation, prohibiting the exportation of arms or ammunition from this island, (eleventh Victoria, chapter four),*" made and passed on the twenty-eighth day of December, one thousand eight hundred and forty-seven, was, by an act made and passed on the thirteenth day of April, one thousand eight hundred and fifty-three (sixteenth Victoria, chapter thirty-one), continued in force until the thirtieth day of April, one thousand eight hundred and fifty-four, and has since been continued in force until the thirty-first day of December, one thousand eight hundred and sixty-two, and it is expedient that the same should be further continued in force until the thirty-first day of December, one thousand eight hundred and sixty-seven: *Be it therefore enacted by the lieutenant-governor, legislative council, and assembly of this island, and [by] the authority of the same, as follows:*

Preamble.

3 B

First—

11th Vic. cap. 4, continued in force until 31st Dec, 1867.

First—The recited act of the eleventh Victoria, chapter four, and every article, clause, matter, and thing therein contained, shall be, and is hereby continued in force from the thirty-first day of December, one thousand eight hundred and sixty-two, until the thirty-first day of December, one thousand eight hundred and sixty-seven.

Certain articles deemed ammunition.

Second—All articles exported or sent from this island contrary to the declaration and provisions of the act of the twenty-fifth Victoria, chapter twenty-three, to enable the governor of this island to prohibit the exportation therefrom of certain articles readily convertible into gunpowder and ammunition of war, shall be deemed and taken to be ammunition, within the meaning, and for all the purposes of the recited act of the eleventh Victoria, chapter four.

C A P. II.

An act for vesting all estates and property, occupied by or for the naval service of the united kingdom of Great-Britain and Ireland, in the commissioners for executing the office of lord high admiral of the said united kingdom for the time being.

Preamble.

WHEREAS divers messuages, lands, tenements, and hereditaments have been at various times purchased for the use of the naval service of the united kingdom of Great-Britain and Ireland, and conveyed to several different persons in trust for her majesty, and her royal predecessors, and her and their heirs and successors, and the same have been placed under the charge of the commissioners for executing the office of lord high admiral of the said united kingdom for the time being, and it is expedient that the same, and all other messuages, lands, tenements, and hereditaments that may be hereafter purchased, or in any manner used and occupied by, or for the said service, should be vested in the commissioners for executing the office of lord high admiral for the time being: *Be it enacted by the lieutenant-governor, legislative council, and assembly of this island, as follows:*

All lands, &c. held for the use of the navy vested in commissioners for executing the office of lord high admiral.

First—From and after the passing of this act all messuages, lands, tenements, and hereditaments, erections, buildings, and property whatever, which have been conveyed to, or vested in any person or persons, and are held, or in any manner occupied by,

by, or in the name of any person or persons in trust for her majesty, or her royal predecessors, and her or their heirs or successors, for the use of the naval service of the said united kingdom, or of any of the departments of, or belonging to the said naval service, by whatever mode of conveyance, or by whatever title, or for whatever estate or interest therein, the same shall have been conveyed or be vested, held, or occupied, together with the rights, members, easements, and appurtenances to the same respectively belonging, shall be, and become, and remain, and continue vested in the commissioners for executing the office of lord high admiral for the time being, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively in trust for her majesty, her heirs and successors, for the public service.

Second—From and after the purchase and conveyance, grant, or demise thereof, all other messuages, lands, tenements, and hereditaments which shall at any time or times hereafter be purchased, taken, held, or occupied by the commissioners for executing the office of lord high admiral for the time being, or by any person or persons, by his or their order, for the naval service of the said united kingdom, or of any of the departments of, or belonging to the said naval service, and all erections and buildings which shall then, or may be thereafter erected or built thereon, with the rights, members, easements, and appurtenances to the same respectively belonging, shall, in like manner be, and become, and remain, and continue vested in the commissioners for executing the office of lord high admiral for the time being, and their successors in the said office, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively, in trust as aforesaid.

And lands, &c. hereafter purchased to vest in same.

Third—Upon the death, resignation, or removal of the present commissioners for executing the office of lord high admiral of the said united kingdom, or of any of them, or of any future such commissioners, or of any lord high admiral of the said united kingdom, all such messuages, lands, tenements, and hereditaments respectively shall become vested in, and be held by the succeeding commissioners for executing the office of lord high admiral aforesaid, or the lord high admiral aforesaid, as the case may be, and so in perpetual succession, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates

Upon death, &c. of present or future commissioners, lands, &c. to vest in their successors in perpetual succession.

and interests of and in the same respectively, in trust as aforesaid.

How commissioners
may be described.

Fourth—In all deeds, conveyances, leases, contracts, and other instruments touching any estate, property, matter, or thing relating to the naval service of the said united kingdom, or to any department under the control of the commissioners for executing the office of lord high admiral aforesaid, or whereto they, or any of them shall be parties, it shall be sufficient to describe them generally by the style and title of "*The Commissioners for executing the Office of Lord High Admiral of the united kingdom of Great-Britain and Ireland*," without expressing their names; and all such deeds, conveyances, leases, contracts, and other instruments, wherein the said commissioners shall be so described, and the execution or signature thereof by any two of them, shall be as valid and effectual, to all intents and purposes, as if they or any of them had been expressly named therein, and had executed or signed the same.

Who may sell, ex-
change, or dispose of
lands, &c.

Fifth—It shall and may be lawful for the commissioners for executing the office of lord high admiral for the time being, or any two or more of them, or the lord high admiral aforesaid, to sell, exchange, or in any manner dispose of, or let, or demise any of the messuages, lands, tenements, and hereditaments respectively which shall be vested in them under or by virtue of this act, with their respective appurtenances, either by public auction or private contract, and in due form of law to convey, surrender, assign, or make over, or to grant or demise the same respectively, as the case may require, to any person or persons who shall be willing to purchase or take the same respectively, and also to do any other act, matter, or thing in relation to any such messuages, lands, tenements, and hereditaments which they or he shall deem beneficial for the public service in relation thereto, or for the better management thereof, which might have been done by any person or persons having a like interest in any such messuages, lands, tenements, or hereditaments.

And maintain suits at
law, or in equity, for
recovering possession
of any lands, &c.

and distrain or sue for
rent.

Sixth—It shall be lawful for the said commissioners for executing the office of lord high admiral aforesaid for the time being, or the lord high admiral aforesaid for the time being, and they are hereby authorized and empowered to bring, prosecute, and maintain any action, suit, or other proceeding at law or in equity, for recovering possession of any messuages, lands, tenements, or hereditaments by this act vested in them or him as aforesaid, and to distrain or sue for any arrears of rent which shall have or shall become due for or in respect thereof,

thereof, under any demise from the said commissioners, or lord high admiral, or any person or persons on their or his behalf, or on behalf of her majesty, and also to bring, prosecute, or maintain, or to defend any other action or suit in respect thereof, or in relation to the said messuages, lands, tenements, or hereditaments, or any trespass or encroachment committed thereon, or damage, or injury done thereto; and that in every such action or suit the said commissioners shall be called "*The Commissioners for executing the Office of Lord High Admiral of Great-Britain and Ireland*," without naming them; and no such action or suit shall abate by the death, resignation, or removal of such commissioners, or any of them, or of such lord high admiral, any law, custom, or usage to the contrary notwithstanding; and the said commissioners, or lord high admiral, shall be entitled to recover costs for and on behalf of her majesty, where judgment shall be given for the crown, and shall be liable to pay costs where judgment shall be given against the crown, in any such action, suit, or other proceeding in like manner, and subject to the same rules and provisions as though such action, suit, or other proceeding had been had between subject and subject.

and prosecute or defend other actions.

No suit to abate by reason of death of commissioners.

C A P. III.

An act to encourage breeders of horses and cattle, and for other purposes.

WHEREAS breeding of good, strong, and useful horses, neat cattle, and mules within this island, tends to the great benefit of the same, and will also be of great convenience and profit to the inhabitants thereof: *And whereas* the present breed of horses may be deteriorated by reason that in pastures, commons, savannas, and waste grounds within this island very small horses, and of little value, are not only suffered to pasture and feed thereon but to cover mares: *Be it enacted by the governor, legislative council, and assembly of the said island, and by the authority of the same:*

Preamble.

First—From and after the passing of this act no person, upon any pretence whatsoever, shall put to pasture, or suffer to run at large upon any common, savanna, or waste ground within this island, any stoned horse, not being of the height of fourteen hands and a half, and three years old, and upwards, to be measured from the lowest part of the hoof of either of the fore feet to the highest part of the withers; and every hand to contain four inches of the standard, upon pain of forfeiture of every horse which shall be so put

No stoned horse under 14½ hands to run at large in any pasture, &c.

put to pasture, or suffered to run at large upon any common, savanna, or waste ground.

Any such horse found at pasture, &c. may be seized and taken before a justice, and, upon measurement, forfeited,

unless the owner shall pay 20s. &c.

No horse, &c. with mange, &c. to be put to pasture, or allowed to run at large,

under a penalty of £6.

Provide as to right of action for damage.

Such horse, &c. may be destroyed.

Queen's purses to be provided to be run for at

Second—It shall be lawful for any person, who shall find any such stoned horse at pasture, or running at large in or upon any common, savanna, or waste ground, contrary to the true intent and meaning of this act, to seize and take such horse, so found, before any one of her majesty's justices of the peace for the parish or precinct wherein the offence shall be committed, in order to have the said horse measured in the presence and view of the said justice, and if the horse shall be found not to be of the height aforesaid, then the said horse shall be forfeited to, and the property thereof immediately vested in, the person taking up the same (on his making oath to the time and place where the said horse was taken up), unless the owner or proprietor of such horse, or some person on his behalf, shall tender to the party seizing or taking such horse the sum of one pound for each horse so taken, in which case such horse shall (being first castrated, and the owner paying the expense of such castration,) be restored to the proprietor thereof, or to any person on his behalf.

Third—No person shall, after the passing of this act, put to pasture, or suffer to run at large any horse, mare, or gelding, or any mule or ass infected with scab, mange, farcy, or glanders in or upon any common, pasture, savanna, or waste ground, or in or upon any highway, or in any street or lane, upon pain of forfeiting, for every such offence, a sum not exceeding six pounds, to be recovered in a summary manner before two justices of the peace of the parish or precinct in which the offence shall be committed.

Fourth—Any person who shall, after the passing of this act, knowingly put in, or turn into or upon any pasture, common, savanna, or waste ground, or in or upon any highway, or in any street or lane any horse, mare, or gelding, or any mule or ass having the farcy, glanders, or other infectious disease, shall, for every such offence, forfeit a sum not exceeding six pounds, to be recovered in a summary manner as aforesaid: *Provided*, That nothing herein contained shall extend to prevent any person injured by any such act from bringing his action in any court of record in this island for the damage sustained.

Fifth—On due proof, by competent witnesses, that any horse, mare, gelding, mule, or ass, infected as aforesaid, being made before a magistrate, he shall order the beast to be destroyed.

Sixth—The executive committee are hereby required to provide a queen's purse of one hundred and five pounds once every year, that

that the same may be run for on the second Tuesday of March in each of the years one thousand eight hundred and sixty-three and one thousand eight hundred and sixty-six over the Black-River course ; and, in each of the years one thousand eight hundred and sixty-four and one thousand eight hundred and sixty-seven, on the second Tuesday of March, over the Savanna-la-Mar course ; and in each of the years one thousand eight hundred and sixty-five and one thousand eight hundred and sixty-eight, on the second Tuesday of March, over the Falmouth course, in the county of Cornwall, the best of three three-miles-heats, under such rules and regulations as are usual at the races for her majesty's plates in Great-Britain, by any stoned horse, mare, or gelding, at the following weights, *videlicet* :

Black-River,

Savanna-la-Mar,

Falmouth,

Three years old, seven stone.

Four years old, eight stone.

Five years old, eight stone seven pounds.

Six years old, eight stone twelve pounds.

Aged nine stone, with the usual allowance of three pounds to mares and geldings.

And also one other purse of one hundred and five pounds, to be run for in like manner once every year, on the third Tuesday of April in each of the years one thousand eight hundred and sixty-three and one thousand eight hundred and sixty-six, over the Manchester course ; and in each of the years one thousand eight hundred and sixty-four and one thousand eight hundred and sixty-seven, on the first Tuesday of August, over the Saint Ann's course ; and in each of the years one thousand eight hundred and sixty-five and one thousand eight hundred and sixty-eight, on the third Tuesday of December, over the Spanish-Town race course, or over such other course in the parish of Saint Catherine, as the stewards of any races in that parish may agree on, under the rules and regulations, and at the weights hereinbefore directed ; and also one other purse of one hundred and five pounds in each of the years one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-four, one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-six, one thousand eight hundred and sixty-seven, and one thousand eight hundred and sixty-eight, on the second Tuesday of December, over the Kingston course, in the county of Surry, under the rules and regulations, and at the weights hereinbefore directed ; and if it shall happen that there be no course in either of the places before-mentioned at the time the race is to be run, it shall and may be lawful for the judge of the said race hereinafter mentioned to appoint such race to be run over the course nearest and most convenient to such place

Manchester,

Saint Ann's,

Spanish-Town,

Kingston,

under certain regulations.

But no horse to run
for more than two
queen's purses.

Judge to be named by
custos, or chosen by
persons entering
horses, who shall give
a certificate to winner.

Conditions.

Proviso.

Breeder of heaviest ox
slaughtered each year
to be paid twenty
guineas on certain
conditions.

Proviso.

Proviso

Importer of certain
entire horses to be paid
thirty guineas—of
mares twenty guineas,

place: *Provided*, That no horse, mare, or gelding shall be allowed to run for more than two queen's purses under this act; and the custos of the parish where the race is to be run may, if he thinks fit, appoint some proper person, who shall judge of the race, but in case such appointment shall not be made, then the person who shall judge and determine the said race shall be chosen by a majority of the persons (or by some person for each on their behalf), in whose name such horses, mares, or geldings shall be entered; and such judge, duly appointed under the provisions of this act, shall give the owner of the winning horse, mare, or gelding a certificate that he is entitled to the said queen's purse of one hundred and five pounds, which certificate, on being endorsed by any two members of the executive committee, shall be paid by the receiver-general: *Provided always*, That no queen's purse shall be allowed unless and until it shall be shewn to the satisfaction of the executive committee that at the meeting at which it was run for there were at least four other *bona fide* purses or cups raised, run for, and paid; each such last-mentioned purse or cup to be worth at least twenty pounds, exclusive of stakes paid by the owners of the horses running for the same: *Provided also*, That in the event of any of the parishes failing to comply with the terms of the foregoing proviso, the executive committee shall be, and they are hereby authorized to transfer the purse to some other parish in the same county the following year.

Seventh—The receiver-general is hereby required and directed to pay twenty guineas on the twentieth day of January in every year, during the continuance of this act, and in the year next after the expiry thereof, to the breeder of the heaviest ox, heifer, or cow to be slaughtered in each year during such continuance as aforesaid, and previously to the thirty-first day of December thereof, which, when slaughtered, shall, exclusive of the suet, heart, liver, lights, head, tongue, tail, feet, entrails, hide, and all offals, exceed one thousand four hundred and fifty pounds weight: *Provided*, That such breeder shall first produce to the receiver-general a certificate, sworn to, and specifying separately the weights as well of the several quarters so exceeding one thousand four hundred and fifty pounds in all, as of each part of such ox, heifer, or cow, so as above excluded therefrom: *Provided also*, That such weights shall have been severally ascertained by actual weighing in the presence of the clerk of the market, or of a justice of the peace, where there is no such clerk.

Eighth—The receiver-general shall, and he is hereby required and directed to pay, on each thirty-first day of December, during the continuance of this act, the sum of thirty pounds as a premium to the importer or importers of each of the first four entire horses of

of either the Cleveland bay, Clydesdale, Suffolk punch breed, or American breed, not less than three nor above six years of age, not under fifteen hands in height, imported in each and every year during the continuance of this act; and shall also pay as aforesaid the sum of twenty pounds to the importer or importers of each of the first four mares, not less than three years, nor above five years, and not under fifteen hands in height of either of the above-mentioned breeds, imported in each and every year during the continuance of this act, and shall also pay twenty pounds for each of the first four bulls of either the short horn, Devon, Sussex, or Hereford breed, of not less than eighteen months nor over three years old, and after having been at least three months in the island; and shall also pay the sum of ten pounds for each of the first three rams of the Southdown or Leicester breed that shall have been in the island for the space of three months; the breed of the said horse or horses, mare or mares, bulls, and rams, so imported, to be certified by competent persons in Britain or America, which certificate or certificates shall accompany the said horses, mares, bulls, or rams on their importation into this island; and the importer or importers shall produce the horse or horses, mare or mares, bulls, or rams so imported to the custos, members of the parish, and any two other persons, who shall be magistrates of the parish in which the horse or horses, mare or mares, bulls or rams, may be imported, any three of which said persons, on being satisfied that the horse or horses, mare or mares, bulls, or rams, are such as are contemplated by this act, shall certify the same to the receiver-general for the time being, who shall, on the warrant of the governor, pay the premium to the importer or importers, or to his or their agent or representative.

of bull twenty pounds,

of rams ten pounds,

upon production of certificates.

Ninth—The sum of one hundred pounds shall be paid annually to the agricultural society that may exist, or be formed in any parish that shall first prove, to the satisfaction of the executive committee, that they have raised, by individual contributions, an equal sum, to be applied for the importation of cattle for the improvement of the breed of cattle in this island.

Agricultural society to be paid £100.

Tenth—All penalties imposed by this act may be enforced by distress warrant under the hand of any justice of the peace of the parish wherein the offence was committed; and, in case of a return to any such warrant that sufficient goods of the defendant cannot be found, it shall be lawful for any such justice, by warrant under his hand, to commit the defendant to the nearest prison, there to remain for the space of twenty days, unless the penalty be sooner paid; and every such penalty, the application of which is not otherwise declared, shall be applied, one moiety to her majesty, her heirs and successors, for and towards the support of the government

How penalties may be enforced.

of this island, and the contingent charges thereof, and the other moiety to the informer, or him who shall sue for the same, who shall be competent to give evidence in any proceeding under this act.

Duration of act.

Eleventh—This act shall continue and be in force from the passing thereof until the thirty-first day of December, one thousand eight hundred and sixty-six.

C A P. IV.

An act for the government of the public hospital of Kingston.

Preamble

WHEREAS it is expedient to make provision for the better government of, and for extending the benefits of the public hospital of Kingston to the public, and to the medical profession: *Be it enacted by the lieutenant governor, legislative council, and assembly, and by the authority of the same, as follows:*

Hospital to be under a board of visitors.

Constitution of same.

First—The public hospital shall be under the superintendence of a board of visitors, consisting of the mayor of Kingston, the custos of Kingston, and the members of assembly for Kingston for the time being, the agent-general of immigration, the rector of Kingston, the principal medical officer of her majesty's army, the principal medical officer of her majesty's navy, stationed in this island, severally for the time being, and six other persons, resident in or near to Kingston, to be from time to time nominated and appointed by the governor, and removable at his pleasure, of whom two shall be merchants, and two others qualified medical men; no member of such board of visitors shall have or receive any pecuniary interest, direct or indirect, in any contract entered into for, or any supplies furnished to the institution, and any member of the said board, who shall be in any way, directly or indirectly, interested in any such contract or undertaking, shall *de facto* cease to be a member of the board; and five members shall be sufficient to meet and form a board for the transaction of business.

Time of meeting, and duties of same.

Second—The board of visitors shall meet once a quarter, or oftener, if requisite, at the hospital, and inspect and examine the books and accounts thereof, and inspect the wards, cells, stores, and every other place, and the liquors, and provisions, and medicines in store, if they shall think fit to do so, and receive and investigate any complaints which shall have been preferred by or against any officer, servant, patient, or inmate, and shall, if they think necessary, report thereon to the governor, and draw up and transmit to the governor such other reports and returns as they shall

shall from time to time deem necessary, or which the governor may call for in respect of any matter relating to the said institution, and any member or members of the said board of visitors shall be at liberty to call at and inspect the hospital, or any portion of it, at any hour he, they, or any of them shall deem proper, and see and examine any officer, servant, nurse, or inmate that he or they shall think fit; and further, the said board of visitors shall, as soon as practicable after the passing of this act, draw up such rules and regulations for their own guidance as may appear necessary, and which said rules shall be submitted to the governor, in executive committee, for their approval, and the said board of visitors shall have power to suggest such alterations, amendments, and additions to such rules, as also to all other rules and regulations of the institution as they may from time to time think necessary, for presentation by the inspector and director for the consideration of the governor, in executive committee.

Third—The board of visitors shall, at a general meeting to be held as early as practicable after its construction, and thereafter annually, on a day to be appointed by them, elect a chairman from their body to preside over all meetings at which he shall be present; but, in case of his absence from any board, the members present at any such meeting may appoint a chairman *pro tempore* to preside thereat.

Elect a chairman.

Fourth—A book shall be kept at the institution, to be called the "VISITORS' BOOK," in which every member of the board of visitors who shall visit the institution, shall enter the day of the month, and year, and hour on which he shall have visited the same, with any remarks he may deem necessary to make respecting any matters connected with the management or regulation of the same, a copy of all of which entries shall be made and forwarded weekly to the governor by the clerk.

Visitors' book to be kept.

Fifth—It shall be lawful for the board of visitors to administer an oath or affirmation to any officer or inmate of the hospital whenever they may think fit to institute enquiry on oath or affirmation into any matter of complaint brought before them, and any person wilfully giving false evidence on oath or affirmation under this act before the said board of visitors, shall be deemed guilty of perjury; and any person procuring, or instigating false evidence, shall be deemed guilty of subornation of perjury, and respectively shall be subject to be indicted and tried; and, upon conviction, shall suffer such punishment as is by law prescribed for perjury, or subornation of perjury.

Power to administer oaths.

Sixth—It shall be lawful for the governor from time to time to
3 C 2 appoint

Governor to appoint inspector and director.

Duties of same.

appoint, and, at his pleasure to remove, an inspector and director of the public hospital (who shall also be the inspector and director of the new lunatic asylum), at a salary not exceeding four hundred pounds *per annum*, whose duty it shall be particularly to receive, and examine, and certify the accounts, and to direct and superintend the financial and general management of both institutions; he shall also be charged with such further duties and functions, and shall be subject to such rules and regulations as shall from time to time be instituted and approved of by the governor, in executive committee; and the inspector and director shall, from time to time, in conjunction with the consulting physician or surgeon, and the ordinary medical officers, draw up, alter, or amend rules and regulations (subject to the approval of the governor, in executive committee), for the government and guidance of the patients, officers, servants, and inmates of the institution, and for enforcing cleanliness, temperance, and decent and orderly behaviour throughout the institution, and among the attendants and persons visiting the institution; and all rules and regulations so approved, shall be printed and hung up in some conspicuous part of each ward, and be read aloud publicly by the clerk in the presence of the inspector and director, officers, attendants, and servants, once in every month; and copies thereof shall be subscribed by the officers, attendants, and servants, or such of them as shall be required to do so; and such of the same rules and regulations as it may be deemed expedient to give general publicity to, may also be published in the Jamaica Gazette, by authority, or in any other newspaper under the direction of the governor, in executive committee.

Continuation of duties.

Seventh—The inspector and director shall annually prepare and make up, and forward in triplicate, a report to the governor, for the purpose of being laid before the legislature, of the state and condition of the institution up to the thirtieth day of September in each year, as also of the expenditure, and contract prices for the past year, the original of which reports shall, before being copied, be submitted to the board of visitors, together with the draft reports of the medical officers and chaplain as hereinafter provided, both of which the inspector and director shall have copied in triplicate, to be forwarded to the governor for presentation to the legislature.

Governor to appoint a chaplain.

Eighth—The governor shall have power from time to time to appoint, and at pleasure to remove, a clergyman of the church of England, duly ordained, to be the chaplain of the public hospital, and who shall receive a salary not exceeding sixty pounds *per annum*; but nothing herein contained shall be construed to prejudice or affect the rights of ministers of any other religious denominations from visiting the institution, under such rules and regulations as shall be made for the government thereof as aforesaid; it

it shall be the duty of the chaplain to solemnize Divine service at the institution every Sunday, as also on such other days of the week as may be convenient, and to visit the sick, administer the sacrament of the holy communion, and afford religious consolation to the inmates; and the chaplain shall annually, as soon after the thirtieth September as possible, furnish the inspector and director with a draft report as to the condition of the inmates during the past year, and which report, after being laid before the board of visitors, shall, when copied in triplicate, be forwarded by the inspector and director to the governor, as hereinbefore provided.

Duties of same.

Ninth—The governor may, from time to time, when he shall think fit, appoint, and at pleasure revoke the appointment of one or more consulting physicians or surgeons, or consulting physicians and surgeons; every such appointment to be honorary merely, and without emolument, and such consulting physician or surgeon, or consulting physicians and surgeons, shall be *ex officio* members of the board of visitors.

Consulting physicians.

Tenth—The governor shall also have power from time to time to appoint, and at pleasure to remove, not exceeding three ordinary medical officers, at salaries not exceeding in the whole the sum of three hundred and sixty pounds *per annum*, among whom the wards and patients shall be divided as equally as practicable, and one of whom shall retire annually from office, or as may be arranged by the rules and regulations to be made as aforesaid.

And three ordinary medical officers.

Eleventh—The ordinary medical officer or officers to be appointed shall visit the institution daily, or as often as he or they shall think needful, and at all such times as he or they shall deem proper, and shall be responsible for the medical or surgical, or medical and surgical care and treatment of the patients in his or their respective wards, but such ordinary medical officer or officers shall in no way be debarred from engaging in private practice; it shall be the duty of such ordinary medical officer or officers to superintend and direct the resident medical officers to prepare the usual scales of dietary for the use of the institution, and to see that the various registers, tables of the institution, and the medical journals and case books of his or their respective wards are faithfully kept, and regularly written up, and that the annual report is prepared as is hereinafter provided.

Duties of these officers.

Twelfth—The governor shall have power, from time to time to appoint, from among duly qualified medical practitioners, and at pleasure to remove, two or more resident medical or surgical officers at such salaries respectively as the governor, with the advice

Resident medical officers.

Regulations respecting same.

vice of the executive committee, shall apportion, but so that the whole cost for the salaries of such two or more officers shall not exceed six hundred pounds *per annum*, to include board, washing, and servants; ~~one~~ such resident medical officer shall retire after two years' service, or in such way as the rules and regulations, to be framed as aforesaid, shall determine, and such resident medical officers, during his or their continuance in office, shall not engage in private practice, but shall devote his and their entire time and attention to the interests of the institution; two at least of such resident medical officers shall reside within the institution, and shall implicitly observe the rules and regulations to be framed for their guidance, and also the directions of the ordinary medical attendants in their respective wards.

One of them to be medical registrar.

Duties of same.

Thirteenth—One of the resident medical officers shall, in addition to his general duties, be also the medical registrar, and shall draw up and keep such statistical and other notes and tables as may be determined on by the ordinary medical officer or officers; and such resident medical officer shall, under the direction of the ordinary medical officer or officers, prepare a draft report annually up to the thirtieth September, and which report, as soon after the period mentioned as possible, shall be submitted to the board of visitors as aforesaid, and shall then, being prepared in triplicate, be forwarded by the inspector and director to the governor as hereinbefore provided.

Duties of resident medical officers.

Fourteenth—It shall be the duty of the resident medical officers to write up, with the least possible delay, all such registers, tables, and books as may hereafter be determined to be kept, and shall be provided; all which registers, tables, and books, shall be open to the inspection of the consulting and ordinary medical or surgical attendants, and the inspector and director, and shall be produced at the regular meetings of the board of visitors.

Regulation in case of death of a patient.

Fifteenth—In case of the death of any patient in the institution, a notice and statement, according to the form in the schedule annexed, of the death, and cause of the death, of such patient, and the name of any person or persons who was or were present at the death, shall be drawn up and signed by the clerk, and respective medical officer under whose particular care such patient was, and a copy thereof shall be by the clerk transmitted to the registrar of deaths for the district.

Medical students may be permitted to attend at the hospital.

Sixteenth—Persons intending to qualify themselves for the medical profession, on producing satisfactory testimonials of character and education, and on the recommendation of two medical practitioners of this island, shall be permitted to attend at the institution

stitution, and to witness the medical and surgical practice, as also the dispensing, subject to such rules and regulations as may be drawn up for their government and guidance, on payment of such fees as may be determined on and sanctioned by the governor, in executive committee.

Seventeenth—Any duly qualified member of the medical profession shall have free access to attend the medical and surgical practice of the hospital at the ordinary hours of visiting and operating, as also to the *post mortem* examinations, and the use of the dead room, under such rules as may from time to time be framed as aforesaid.

Medical men to have free access to the hospital.

Eighteenth—The governor shall have power, from time to time to appoint, and at pleasure to remove, the following officers, who (the clerk excepted), shall severally reside on the premises; that is to say,

Governor to appoint certain officers.

A qualified and competent apothecary and dispenser, at a salary not exceeding, *per annum*, one hundred and fifty pounds.

A steward and purveyor, at a salary not exceeding, *per annum*, one hundred and fifty pounds.

A matron, at a salary not exceeding, *per annum*, eighty pounds.

A clerk, at a salary not exceeding, *per annum*, one hundred and sixty pounds.

Who shall also, for the same salary, act as clerk to the lunatic asylum, and clerk to the visitors of both institutions, and perform all such other duties as may be determined on as aforesaid, but shall not be required to reside on the premises; each and every of the above officers shall implicitly obey the rules and regulations to be drawn up for their guidance, and, with the exception of the clerk, shall, in addition to their salaries, receive board, washing, and servants' attendance.

Nineteenth—So much of the ninth section of the act of the twenty-fifth Victoria, chapter nine, for the government of the new lunatic asylum, as directs that the purveyor or steward shall also act (*inter alia*) as clerk to the institution, is hereby repealed, and the person from time to time appointed, and acting as by this act directed as clerk both to the public hospital and lunatic asylum, is hereby declared subject to all the provisions and requirements of this act, and of the recited act of the twenty-fifth Victoria, chapter nine,

9th section of 25th Vic. cap. 9, repealed in part.

nine, respectively relating to the clerk of each or either of the institutions.

Inspector and director
to appoint servants,
&c.

Nurses to be under
the medical staff.

Resident officers, &c.
may have rations.

Governor may make
alterations in the staff
of medical officers, &c.

Proviso as to salaries,
&c.

Stores, &c. to be con-
tracted for.

Twentieth—All other officers, nurses, attendants, and servants shall be appointed, and be removable at pleasure by the inspector and director, subject to the approval of the governor, and shall receive salaries and wages not exceeding such sums as the governor, in executive committee, shall sanction and allow from time to time: *Provided*, That the inspector and director, in selecting and removing nurses, shall do so with the concurrence of the medical officers, and that all nurses and attendants on the sick, shall be under the immediate control and supervision of the medical staff; and that where practicable preference shall be given to a trained nurse; and the inspector and director is hereby authorized to make such rules and regulations as aforesaid, for regulating the attendance and training of such nurses in the wards of the hospital, subject to the approval of the governor, in executive committee.

Twenty-first—The several subordinate resident officers, nurses, and other persons to be appointed shall, in the discretion of the board of visitors, and subject to the approval of the governor, receive and have rations, or be otherwise dieted from or at the institution daily, in addition to, or in lieu of salary, under and subject to such rules and regulations as shall be made as aforesaid respecting the same.

Twenty-second—It shall be lawful for the governor, in executive committee, to make such alterations in the staff of medical and other officers and attendants as may from time to time appear advisable, and calculated to effect an improved organization and system in the management of the institution; and thereupon from time to time to appoint the officers and attendants whom it may appear necessary or proper to appoint for the purpose, and to remove any person so appointed, and to appoint another in his or her room: *Provided*, That the expenditure for the salaries or wages of the officers, nurses, attendants, or servants to be from time to time employed at the institution, shall in no case exceed, in the aggregate, the amount of the salaries and wages by this act authorized.

Twenty-third—No stores, provisions, wines, or other necessities of any description (except medical stores, and materials for domestic or personal clothing, which may be imported from the United Kingdom, or elsewhere, with the sanction of the governor, in executive committee, without previous competition), shall be contracted for or purchased for the institution until after advertisements for the supply thereof shall have been duly published in the Jamaica

maica Gazette, by authority, or any other newspaper, by direction of the governor, in executive committee, calling for tenders therefor, who shall accept the most advantageous tender; all contracts and securities for the performance thereof shall be entered into with "the executive committee" for the time being for and on behalf of the public of this island, and no contract shall endure for a longer period than one year: *Provided*, That in cases of emergency, but not otherwise, the inspector and director may make contracts for, or order the supplies immediately required to be furnished, to an amount not exceeding twenty pounds at any one time.

Contracts to be entered into with executive committee.

Proviso in cases of emergency.

Twenty-fourth—The public hospital shall be fitted to contain two hundred beds at least, subject at all times to the discretion of the medical staff, and the wards of the institution shall be apportioned between the two sexes as the medical staff may from time to time recommend; and a separate and distinct portion of the building, and separate and distinct wards, shall be set apart and appropriated for the reception of seamen.

Hospital to be fitted to contain 200 beds.

Twenty-fifth—The patients shall be divided into two classes; namely, in-door patients, to be admitted within the wards of the institution, as hereinafter provided; and out-door patients, receiving medical advice and medicines on application at the institution at such times, and on such conditions as are hereinafter mentioned, and subject to such rules and regulations as may be made affecting them.

Patients to be divided into two classes.

Twenty-sixth—Applicants for admission as in-patients of the hospital will be received daily by the ordinary medical officer or officers at such hour as may be decided on, but all cases of accident or emergency will be admitted at any time of the day or night by the resident medical officer on duty.

Applicants as in-patients to be received daily.

Twenty-seventh—It shall be the duty of the resident medical officers daily, at such hour or hours as may be fixed on, to examine and prescribe for, if necessary, which prescriptions the dispenser shall make up and dispense to all such poor and destitute persons as may apply at the institution, and shall bring with them a ticket of recommendation from the mayor, or custos of Kingston, or from such other persons as the governor, in executive committee, may nominate and appoint to grant such tickets, provided that all such tickets shall be confined to persons unable from poverty to obtain medical aid; and it shall be the duty of such resident medical officers to keep a record of all such cases, to be included in the annual report to the legislature; and the governor, in executive committee, shall have power to employ the parochial medical officers

Resident medical officers to prescribe daily for applicants.

who may recommend persons.

Parochial medical officers to attend sick persons at their houses.

who may be recommended.

Recommendations to be under rules.

No seaman, &c. to be received into hospital except on guarantee of consignee, &c. for payment of dues.

of the city of Kingston to attend at their homes all such sick and destitute persons as may be unable to attend personally at the hospital for advice, and who shall obtain a written recommendation to this effect, addressed to the parochial medical officer of the district from any of the ordinary or resident medical officers of the hospital: *Provided always*, That such recommendation shall only be given to such persons as are on the pauper list, or shall be accompanied by a certificate by the party recommending that the individual for whom medical attendance is sought is *bonâ fide* incapable of procuring and paying for such medical attendance: *Provided also*, That the persons making recommendations aforesaid shall do so according to such rules as may be issued to them under direction of the governor and executive committee, and such parochial medical officers may forward all their prescriptions for the poor to be dispensed at the public hospital, and the said parochial medical officers shall, and they are hereby required, to keep an account of all cases as aforesaid which may be treated by them, and to make a return thereof quarterly to the inspector and director, stating the particulars, and the result of treatment in each case.

Twenty-eighth—No seaman, hired, articulated, or apprenticed to any vessel, and no person indentured or apprenticed to any estate or person, immigrant, or person whatsoever, shall be admitted into the institution, except on occasion of serious accident, or other extreme emergency, until the owner or consignee of such vessel, the proprietor or agent of such estate, or the master or employer as aforesaid, as the case may be, shall have given a letter of guarantee to the inspector and director undertaking, to the extent of twenty pounds, for the payment of the hospital dues, at the rate of one shilling and six pence *per diem* for medical attendance, medicines, and maintenance of every such seaman or indentured or apprenticed person, or immigrant, and for payment also of his funeral expenses, in case of his death; but it shall be lawful for the owner or consignee of any vessel to limit his liability under the before-mentioned letter of guarantee up to the period of the sailing of the vessel from the island, on giving two days' notice, in writing, to the inspector and director, prior to the departure of the vessel; and, in case of such notice being given, and such sick seaman being left in the hospital after the departure of his vessel from the island, it shall be the duty of the inspector and director to ascertain from the shipping master (being an officer of the customs' department of this island), whether any effects belonging to the said seaman have been deposited in his charge; and, if so, it shall be lawful for the said inspector and director to arrange with the said shipping master for the payment of the said balance of dues and other expenses which may have been incurred.

Twenty-ninth—

Twenty-ninth—Nothing herein contained shall be taken to prevent the admission of any sick seaman, who may be without employment, or other sick person who shall be in destitute circumstances, and unable otherwise to obtain medical or surgical aid and support; but in case any such seaman, admitted into the institution, was put on shore from any vessel, and did not desert therefrom, and in case any other person admitted into the institution was indentured or apprenticed to any plantation or person, and did not discharge himself or abscond from such plantation or person, then in every such case, and where it shall appear that the master or commander of a vessel, or the master or employer of any such seaman or other person so admitted as aforesaid, sought to evade payment of the said hospital dues and funeral expenses, or either, the owner or consignee of such vessel, or the employer or master of such indentured or apprenticed person, or his agent, shall be liable for the said dues and expenses, or either, as the case may be, as fully and completely as if such seaman or indentured or apprenticed person had been sent to the said institution under direct guarantee as aforesaid.

Sick seamen, &c. out of employment may be received into hospital.

Thirtieth—Whereas from time to time it is found necessary to send policemen suffering from accidents or disease to the public hospital as in-patients; in all such cases it shall be the duty of the inspector and director, on the admission of such patient, to enter into an arrangement with the inspector of police of the parish from which the said policeman comes, for the payment of one half of such policeman's daily pay during such period as he shall continue a patient in the hospital, and which payment as aforesaid shall be in lieu and in full for the usual hospital dues, but shall not include any expense incurred for bringing or sending back the patient, or for the purpose of burial, in case of death.

Half the pay of a policeman received into hospital to be stopped.

Thirty-first—Whereas many poor persons suffering from disease in the different parishes of this island are in the habit of coming up to Kingston, without previous notice, for the purpose of seeking admission into the public hospital, but who, on their arrival, are inadmissible, either on account of the institution being full, or from the nature of their malady, and as such persons often injure their health, and aggravate their ailments by the fatigue and exposure consequent on such journeys, and for the most part being destitute and friendless, they add to the number of vagrants and paupers in Kingston; it shall be the duty of the inspector and director, in conjunction with the consulting physicians or surgeon, and ordinary medical men, to draw up, and from time to time to alter, amend, or add such rules as the governor may approve of as aforesaid, regulating the admission of in-patients from the distant parishes of the island, and which rules shall be published and proclaimed as

Regulations as to in-door patients to be published.

widely as possible in each parish in such way as the governor, in executive committee, may determine.

Patients may be sent to Milk-River, or other Bath.

Proviso.

Patient may be furnished with means of support after discharge.

Purveyor to take charge of property belonging to patients.

Patients having means, justices may make order for payment of hospital dues.

Thirty-second—And whereas it occasionally happens that patients are admitted into the public hospital labouring under severe rheumatic and other chronic diseases, who would be much benefited by the use of the baths of Saint Thomas the Apostle, or of Milk-River; whenever it shall appear to the ordinary medical officer or officers that any inmate is a fit subject for either of these establishments, he or they shall certify the same to the inspector and director, who shall thereupon have power to direct the removal of such patient to either of such establishments aforesaid, and to defray all necessary expenses attendant on his or her removal and maintenance there, and return to the hospital, should it be necessary: *Provided*, That in any such case the inspector and director shall have satisfied himself that such patient is unable, either in part or in whole, to defray such expenses himself, or with the assistance of his relations or friends.

*Thirty-third—*It shall be lawful for the inspector and director, upon the discharge of any destitute patient from the institution, to furnish him with means to support himself until he can return to his home or friends, not exceeding one shilling *per diem*, or ten shillings in the whole, for any such discharged patient.

*Thirty-fourth—*If any patient shall, at the time of admission, be possessed of any property, the same shall be taken charge of by the purveyor or steward, and full particulars thereof entered in a book to be kept by him, which entry shall be attested by one of the resident medical officers, and such property, or a sufficient portion thereof, shall be liable for the medical attendance, medicine, and support at the rate of one shilling and six pence *per diem* of such patient, as also his funeral expenses, in case of death, and may be sold by the inspector and director to defray the same; any remaining property and surplus sale monies shall be delivered up and paid over to the patient upon his discharge, or, in case of his death, to the parties legally entitled thereto, upon application.

*Thirty-fifth—*If it shall appear to any two justices of the peace that any patient hath any estate applicable to his maintenance, and more than sufficient to maintain his family, if any, it shall be lawful for such justices, on the application of the inspector and director, to make an order, in writing, under their hands and seals, to the nearest known relative or friend of such patient, for payment of the hospital dues, and funeral expenses, or either, incurred by, or on account of such patient as aforesaid; and in case the same be not paid within one month after a copy of such order shall have been

been left with, or at the residence or last place of residence of such relative or friend, it shall be lawful for the same, or any other justices, by an order under their hands and seals, to direct any collector of petty debts, or other person, to seize so much of the money, and to seize and sell so much of the goods and chattels, and take and receive so much of the rents and profits of the lands and tenements of such patient, and of any other income of such patient, as may be necessary to pay the said dues and expenses, or either, as aforesaid, accounting for the same to the same or any other justices, such dues and expenses, or either, having been first proved to the satisfaction of the said justices, by the certificate of the inspector and director, or otherwise, as they may require, and the amount being set forth in such order; and if any trustee or other person, having the possession, custody, or charge of any property of such patient, or if any company, or body, or person having in their or his hands any stock, interest, dividend, or annuity belonging or due to such patient, pay the whole, or any part thereof, to defray the amount set forth in such order, the receipt of the collector, or person thereby directed to receive the same, shall be a good discharge to such trustees, company, or body, or person paying the same.

Thirty-sixth—All monies now or hereafter to be owing by or on account of patients, or for their funeral expenses, may be recoverable by the inspector and director in the petty debt court of Kingston, or of the parish in which the defendant may reside, or have last resided, at the option of the inspector and director, without limitation as to the amount to be recovered.

Monies owing may be recovered by the inspector and director.

Thirty-seventh—All monies to be received under the provisions of this act, for the benefit of the institution, shall be from time to time paid over to the receiver-general to the credit thereof, and shall be held by him applicable to the expenses of the institution, and payable under warrant from the governor.

and paid to receiver general.

Thirty-eighth—This act may, for all purposes, be cited as “THE PUBLIC HOSPITAL ACT, 1862.”

Short title.

Thirty-ninth—The acts nineteenth Victoria, chapter four, and twenty-second Victoria, chapter forty-four, relating to the public hospital and lunatic asylum, shall be repealed, except that until the appointment of the board of visitors, under this act, the present inspector and director shall perform the duties, and possess the powers hereby given to such board, and shall continue to receive the salary and emoluments he now receives; and the present medical officers shall also continue in office, and be entitled to the like salaries and emoluments they now receive, until appointments shall

19th Vic. cap. 4, 22d Vic. cap. 44. repealed.

shall be made of medical officers under the provisions of this act ; and, in case of any vacancies, the same may be filled up from time to time by the governor, and the rules and regulations now in force for the government of the said hospital shall, so far as may be, continue in force until other rules and regulations shall have been made under this act ; and all matters or things done or commenced, and all existing contracts under the said repealed acts, shall continue in force ; and all breaches thereof, and offences against the same acts, enforced and punished as if the said acts were still in force.

SCHEDULE.

I hereby give you notice, that *pauper*
 (or a private) *patient, admitted in this hospital on the*
day of *or outdoor patient (as the case may be),*
under treatment at this hospital, and residing at
died therein, or at *in the presence of*
on the *day of*

clerk of the public hospital, Kingston.

Dated the *day of* *186*

I hereby certify that the apparent cause of death of the said
as ascertained by post mortem
examination (if so) was

resident medical officer of the public hospital.

CAP.

C A P. V.

An act to provide for the establishment of a "Lepers' Home," and the proper care otherwise of lepers, and similarly diseased persons.

WHEREAS it is necessary to provide for the reception and accommodation of persons afflicted with leprosy, or yaws, or diseases akin thereto respectively: *Be it enacted by the lieutenant-governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble

First—It shall be lawful for the governor and executive committee to lease, for a term of years, or to purchase, as they may think proper, sufficient lands in some convenient locality or localities in any or either of the parishes of Kingston, Saint Catherine, Saint Andrew, Port-Royal, or Saint David, for the settlement and establishment of persons afflicted with leprosy, or yaws, or diseases akin thereto; and, for that purpose, to erect such cottages, or huts, or other buildings as may be considered best adapted for the careful and comfortable reception and keeping of such afflicted persons; and, in every such establishment, due care shall be taken to provide for the complete separation of the sexes; and the buildings and premises intended for persons of the male sex shall be divided, and, as far as can be, removed from those intended for females, and be placed on separate parcels of land, if the executive committee shall so advise.

Lands may be leased or purchased for the settlement of lepers, &c.

Second—It shall be lawful for the governor, so soon as proper places have been provided for the keeping of persons so afflicted as aforesaid, which places shall be called respectively the "LEPERS' HOME," to appoint a medical attendant to the same, at a salary not exceeding one hundred and twenty pounds *per annum*; a male superintendent, at a salary not exceeding eighty pounds *per annum*; and a matron, at a salary not exceeding sixty pounds *per annum*, payable quarterly or monthly, as the governor shall direct, by warrant under his hand, and from time to time to remove any person so appointed, and, on any vacancy occurring from removal or otherwise, to appoint some other person to fill such vacancy.

and certain officers appointed.

Third—It shall be lawful for the superintendent, to be appointed as aforesaid, to employ two or more male servants to attend upon the male inmates; and for the matron, to be appointed as aforesaid, to employ two or three female servants to attend upon the female inmates, at such wages respectively as the governor, in executive

Superintendent to appoint servants.

executive committee, shall approve, which wages shall be paid by warrant of the governor as aforesaid, and such superintendent and matron shall have power, from time to time to remove any person so employed by him or her; and, on any vacancy occurring from removal or otherwise, to appoint some other person to fill the same.

Rules and regulations
to be framed.

Fourth—The inspector and director, in conjunction with the medical officers of the public hospital, shall, subject to the approval of the governor, in executive committee, make rules and regulations for the government of the medical attendant, superintendent, matron, and other officers, servants, and inmates of the respective divisions of the institution, and may, subject to such approval as aforesaid, rescind, alter, amend, or add to such rules and regulations, or make new ones from time to time, as necessity may require.

Visits of medical at-
tendant.

Fifth—The medical attendant shall visit once a week, and oftener if necessary, and prescribe medical treatment where necessary, for all the inmates of the institution, and shall make a quarterly report to the governor, in executive committee, of the state and condition of such inmates, and of the institution generally, with any recommendations or remarks which he may think fit to submit with, or as part of, any such report.

Of inspector and di-
rector, &c.

Sixth—The inspector and director of the public hospital, or such other person as the governor shall appoint, shall visit and inspect the institution, and all inmates therein, and report on their condition at least once in each month, and oftener if the governor shall require; and shall make a note of each such visit in the visiting book, which shall be kept at the institution, with such observations upon the state and condition of the institution, and inmates thereof, and the conduct of the officers and servants thereof, as he shall think proper; and the superintendent and matron shall transmit monthly to the governor a transcript of all entries so made in such visiting book, relating to the respective divisions of the institution; and the said inspector and director, or other person to be appointed as aforesaid, shall be paid at the rate of sixty pounds *per annum*, on the warrant of the governor for such and his other services under this act.

Contracts how to be
taken.

Seventh—The said inspector and director, or other person to be appointed as aforesaid, shall take contracts, subject to the approval of the governor, in executive committee, for stores, provisions, and necessaries for the institution; and such medicines as may be required for the inmates thereof shall be supplied from the public hospital from time to time, on the requisition of the medical attendant.

Eighth--

Eighth—The superintendent and matron respectively shall be responsible for the due care and appropriation of all stores, provisions, and necessaries supplied to the respective divisions of the institution to which they shall be appointed, and shall make reports monthly to the said inspector and director, or such other person as the governor shall appoint to inspect the institution as aforesaid, of the quantities received, consumption, quantities on hand, and state and condition from time to time of all such stores, necessaries, and provisions respectively, and generally of the state of the several divisions of the institution; and the said inspector and director, or other person to be appointed as aforesaid shall, on each visit thereto, check the stores, provisions, and necessaries on hand with the said reports thereof.

Duties of superintendent and matron.

Ninth—Upon the establishment of the “Lepers’ Home” any person afflicted with leprosy, or yaws, or other disease akin thereto, who shall be in indigent circumstances, and shall present himself to the medical attendant of the institution, and claim admission, or with a certificate from a qualified medical practitioner that he is afflicted with yaws, or leprosy, or other disease akin thereto, shall be allowed to remain in, and be considered and treated as an inmate of, such institution.

Who may be received into the “Lepers’ Home.”

Tenth—Any person afflicted with leprosy, or yaws, or other disease akin thereto, who, not being in destitute circumstances, shall desire to become an inmate of the “Lepers’ Home,” may do so upon giving security to the superintendent of the same for payment, monthly, of the cost of his maintenance and medical treatment at a rate not exceeding two shillings *per* day.

How admission may be obtained.

Eleventh—All sums of money which shall become due and owing to the public for the maintenance and medical treatment of any such last-mentioned leper shall be recovered by the superintendent of the “Lepers’ Home” for the time being, or some person appointed by him, in the same manner as demands may be recovered under any act which may be in force for the recovery of small debts, and without limitation of amount.

How dues may be recovered.

Twelfth—If any person, deemed to be afflicted as aforesaid, shall be found loitering in any road, street, lane, or thoroughfare of, or leading to or from any city, town, or village, or wandering about from place to place, it shall be lawful for any policeman, constable, or other person to apprehend such person, and take him or her before any qualified medical practitioner, who, upon being satisfied that the person so brought before him is a leper, or afflicted with yaws, or other disease akin thereto, shall direct, in writing under his hand, according to the form hereunto annexed, that such person be, and

Vagrant lepers may be apprehended.

3 E

thereupon

thereupon such person shall be taken to the "Lepers' Home," and received into the same; and any reasonable expense incurred in taking such person before a qualified medical practitioner, and to the "Lepers' Home," shall be paid by the superintendent of the same as a charge against the institution.

As to lepers leaving the institution.

Thirteenth—If any person, admitted to either divisions of the institution, shall leave it and be seen wandering about in any street, thoroughfare, or public place or way, he or she shall be taken by the superintendent or matron, or any policeman, constable, or other person back to the institution, or appropriate division thereof; and, in case such person shall again leave the same, and be taken wandering about as aforesaid, it shall be the duty of the superintendent or matron to take measures, under such rules and regulations as shall in that respect be from time to time made by the governor, in executive committee, for the proper keeping of such person within the bounds of the institution.

Receiver-general to pay expenses.

Fourteenth—The receiver-general shall pay, upon the warrant of the governor, monthly or otherwise, such sums of money as shall be necessary to meet the expenses of the "Lepers' Home," not exceeding the sum of two thousand pounds in any one year.

Justices and vestry may make provision for lepers, &c.

Fifteenth—It shall be lawful for the justices and vestry of any parish, or adjoining parishes, other than those before-named in this act, where it shall seem necessary, to include, in the annual estimates of expenditure, a sufficient sum for providing for the proper care and keeping of persons afflicted as aforesaid within such other parish or parishes; and, where adjoining parishes shall join in arrangements for that purpose, the expenses shall be borne between them rateably, according to the number of diseased persons chargeable to each parish respectively.

SCHEDULE.

ORDER FOR THE RECEPTION OF A LEPER, &c. .

I, C. D. of, &c. being satisfied that A. B. is a leper, or afflicted with yaws, or
and was found loitering in
street, or road, or
lane, or thoroughfare of, or leading to the city, town, or village, of
or wandering from place to place, being a proper person to be taken charge of and detained under care and treatment,

treatment, hereby direct you to receive the said A. B. as a patient or inmate into the "Lepers' Home."

Subjoined is a statement respecting the said A. B.

*Signature of C. D. &c.
M. D. or other degree, residing and
practising in the parish of*

STATEMENT.

(If any particulars in this statement be not known, the fact to be so stated.)

Name of patient, and Christian name at length.

Sex and age.

Married, single, or widowed.

Condition of life, and previous occupation (if any.)

The religious persuasion, as far as known.

Previous place of abode.

Afflicted with

Name, and Christian name, and place of abode, of the nearest known relative of the patient, and degree of relationship (if known.)

I certify, that to the best of my knowledge, the above particulars are correct.

*Signature of C. D.
M. D. or other degree, residing and
practising in the parish of*

C A P. VI.

An act to provide a fixed salary for the attorney-general of this island.

BE it enacted by the lieutenant-governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :

First—The receiver-general of this island is hereby authorized and directed to pay to her majesty's attorney-general of this island for the time being, from time to time, by quarterly or monthly payments, on the warrant of the governor, a salary at and after the rate of five hundred pounds *per annum*, in addition to the salary now payable to such attorney-general, under the act of the seventeenth Victoria, chapter twenty-nine,

Receiver-general to pay £500 per annum by quarterly or monthly payments.

3 E 2

Second—

Duration of act.

Second—This act shall commence on and from the first day of January, one thousand eight hundred and sixty-three, and continue in force until the thirty-first day of December, one thousand eight hundred and sixty-eight.

C A P. VII.

An act to provide for the management of the post-office in this island.

Preamble.

WHEREAS it is expedient to provide for the management of the post-office department in this island: *Be it enacted by the lieutenant-governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

How post-office shall be managed.

First—The post-office in and throughout this island shall be managed by the postmaster, already or hereafter to be appointed, under the authority of this or any former act of the legislature of this island.

Duties of the postmaster.

Second—The said postmaster shall be, and is hereby authorized, from time to time to prepare, alter, or amend all rules, orders, and regulations (subject to the approval of the governor, in executive committee), for the general government, guidance, and conduct of the post-office, and all and every the offices in such department; which rules, orders, and regulations, alterations, or amendments shall be in force and effect as soon as the same shall have been sanctioned by the governor, in executive committee, and a copy thereof shall be laid before each branch of the legislature within fourteen days after the meeting of the session next ensuing after the making thereof; and, until such rules, orders, and regulations, alterations, or amendments shall be made and sanctioned by the governor, in executive committee, as aforesaid, or in so far as any which may have been already made and sanctioned may not extend or apply, the post-office shall be regulated, and the officers thereof governed by the rules, orders, and regulations hitherto in practice in the post-office department, under the management and control of the postmaster-general in England.

Disputes to be settled by the governor, &c.

Third—If any dispute shall arise between any person and any officer of the post-office in respect to the management or business of the postal department, it shall be lawful for the governor, in executive committee, to dispose of, or determine such dispute in such manner as he may deem just.

Fourth—

Fourth—If, upon the consideration of the facts and circumstances out of which such dispute arose, the governor, in executive committee, shall be of opinion that any penalty or forfeiture has been incurred by any person, he may, in case he shall be of opinion that the penalty ought to be remitted, remit and forego the same accordingly; or, if he shall be of opinion that a mitigated penalty should be imposed and enforced, may mitigate any such penalty or forfeiture to such an amount as he may deem a sufficient satisfaction for the breach of law or regulation complained of.

who may remit penalties.

Fifth—Previously or subsequently to the commencement of any prosecution for the recovery of any fine, penalty, or forfeiture, incurred under any act of the legislature of this island, or any other act in force in this island relating to the post-office, it shall be lawful for the governor, in executive committee, if he is satisfied that such fine, penalty, or forfeiture was incurred without any intention of fraud, or that it is inexpedient to proceed in the said prosecution, to mitigate, reduce, or forego altogether such fine, penalty, or forfeiture; and, if commenced, to stop all further proceedings by directing her majesty's attorney-general to enter a *nolle prosequi* or otherwise on such information or proceeding, if filed.

and reduce or forego fines, &c.

Sixth—All commissions, deputations, and appointments, granted to any officer of the post-office in respect to any office which may be continued under this act, and all contracts for the post-office service in force at the time of the commencement of this act, shall continue in force and effect, as if the same respectively had been afterwards granted or entered into under and by virtue of the authority of this act, and all bonds which shall have been given by any such officers or contractors, and their respective sureties, for good conduct, proper performance, or otherwise, shall remain in full force and effect, to the use and benefit of the public of this island; but it shall be lawful for the postmaster, with the sanction of the governor, in executive committee, to require and take fresh security from any officer or contractor in such amount, and with such sureties, and to determine any contract, and to enter into any new contract, as he may think fit.

All commissions, contracts, &c. to be continued.

Seventh—It shall be lawful for the governor, in executive committee, by his warrant from time to time to appoint the hours of general attendance of the respective officers, and other persons in the service of the post-office at their proper offices and places of employment.

Hours of attendance to be appointed.

Eighth—

Officers exempted
from serving on juries,
&c.

Eighth—No officer of the post-office department shall, during the time of his acting as such officer, or of his being so employed as aforesaid, be compelled to serve in any corporate, or parochial, or other public office or employment, or to serve on any jury or inquest, or in the militia, any law, custom, or usage to the contrary thereof notwithstanding; nor shall any officer of the general post-office, in Kingston, be engaged in any trade or business.

Salaries of officers.

Ninth—The officers of the post-office department, whose offices are mentioned in the schedule to this act annexed, shall be paid salaries not exceeding the sums set opposite to the respective offices therein mentioned.

Of deputy postmasters.

Tenth—The deputy postmasters, whose salaries exceed the annual sum of twelve pounds each, shall continue to receive, and be allowed the salaries and commissions now paid or allowed to them respectively, and the deputy postmasters, whose salaries are less than twelve pounds each *per annum*, shall receive and be paid each a salary of twelve pounds *per annum*, together with the commissions now paid and allowed to them respectively, and such several salaries and commissions shall be in lieu of any other salaries and allowances, but it shall be lawful for the governor, with the advice of the executive committee, and on the recommendation of the postmaster, to augment any deputy postmaster's salaries or salary by such amount respectively as to the governor, with the advice aforesaid, may seem fit, in consideration of night duties or other special circumstance: *Provided*, That the total of such augmentations shall not in any one year exceed the sum of thirty pounds.

Proviso.

Governor to appoint
postmaster, &c.

Eleventh—The person already, or to be from time to time hereafter appointed by the governor master of the post-office in this island, shall be styled the postmaster for Jamaica, and the appointment to the office of postmaster, and of the several clerks and deputies, as vacancies occur respectively, shall be made by the governor, who shall have power, from time to time to remove for incompetency, or neglect, or misconduct in office, any person employed in the post-office service, and to make a new appointment in the room of any person who shall be removed, or shall die, resign, or otherwise vacate his office or appointment: And wheresoever, within this island, posts or postal communications are now or may be hereafter established, the governor, with the advice of the executive committee, by the postmaster, and the several clerks and deputies, and their respective servants and agents, shall

shall have the exclusive privilege of conveying from one place to another, and of receiving, collecting, sending, despatching, and delivering all letters, papers, and parcels, except in the like cases as are respectively excepted in any act for the management of the post office in the united kingdom of Great Britain and Ireland.

Twelfth—The several rates of inland postage now payable and demandable shall continue to be payable, demandable, and enforceable, in like manner as the same are now paid and enforced throughout this island, but it shall be lawful for the governor, with the advice of the executive committee, by warrant under his hand, to reduce any existing scale of weight; and any rate of inland postage, or either respectively, to any other scale of weight and rate of inland postage, or either of them respectively; and, in any such case may, if he think fit, direct that the postage of all letters posted in this island, addressed to any place within this island, shall be paid at the time of the same being posted, either in money, or by being duly stamped with the proper postage stamp or stamps placed thereon; and, in any case of short payment of postage, the amount short paid shall be recovered as is hereinafter in other cases directed, and also to restore or reimpose any scale of weight, or rate of postage, which may have been reduced under this or any former act of the legislature of this island to any previously existing scale or amount, as the governor may, with the advice aforesaid, from time to time think fit; and every reduced scale, or rate, or restored or reimposed scale or rate shall be observed, and be payable and enforceable in like manner as any other rate of postage may be recovered or enforced.

Rates of postage—
scale of weights. &c.

Thirteenth—Any printed copy of the Jamaica Gazette, by authority, purporting to be printed and published by any person having authority to print and publish the same, or, if the publication of the said Gazette shall, from any cause cease, or not be made, then any printed copy of any public newspaper, which is or shall be appointed for the publication of advertisements of a public nature, shall be admitted as evidence in all courts and places, of any governor's warrant, or any rule, or regulation, which shall be issued under this act, and contained in any such Gazette, or newspaper; and of the due issuing thereof, and of the rules and regulations contained in any such warrant having been duly made and established, and of the other contents of any such warrant, rule, or regulation, without any further or other proof.

Jamaica Gazette declared evidence in certain cases.

Fourteenth

Postage of letters may be prepaid or not.

Fourteenth—The postage of all letters, except as after mentioned, passing through the post offices in this island, and not intended to be sent out of the island, may, at the option of the parties sending the same, be chargeable on the delivery thereof as addressed, or be prepaid in coin, or by adhesive post-office stamps of a value equal to the amount chargeable upon such letters respectively placed thereon; but every book, packet, paper, article, or thing, other than a letter transmitted by the post, shall be prepaid by adhesive post-office stamp or stamps placed thereon, of a value equal to the amount of the postage chargeable thereon respectively.

Where the stamp shall be insufficient.

Fifteenth—In any case in which any letter, newspaper, book, packet, paper, article, or thing shall be posted, having thereon, or affixed thereto, any stamp or stamps, the value or amount of which shall be less than the rate of postage to which the same respectively is liable, the person to whom the same is addressed shall be charged with the amount short paid; and, in case of his refusal to receive the same, or, if he cannot be found, then the postage short paid, with costs, if any, shall be recovered from the sender, in like manner as any other penalty is provided to be recovered under this act.

Letters prepaid to be delivered at call.

Sixteenth—It shall be the duty of every deputy post-master to receive, and thereafter to deliver, according to the address, any letter prepaid by a payment in coin of one penny, or by an adhesive post stamp of that value placed thereon, and which shall be posted, at his respective post-office, and be addressed for delivery at call at such post-office to or for any person to whom the same may be addressed.

Liabilities of a deputy postmaster.

Seventeenth—Every deputy postmaster shall be liable to the like provisions of law for securing the due receipt, care, and delivery of, and the like penalties for, punishing any default or offence in respect to any letter by the preceding section authorized to be posted and delivered, as are by law provided in respect to any other letter sent by post.

Stamps, &c. to be provided.

Eighteenth—The executive committee shall, from time to time provide proper and sufficient post-office adhesive stamps and dies, or other implements for expressing and denoting such rates, or duties of such value or amount as the governor, with their advice, may direct for the purposes in this act mentioned; and it shall be lawful for the receiver-general, on the warrant of the governor, to issue, for the purposes of this act, to the post-master, such stamps as the same shall have been from time to time provided.

Nineteenth

Nineteenth—The receiver-general, and commissioner of stamps, shall cause a separate account to be kept of all adhesive or other stamps received and issued respectively for the purposes of this act, and of the stamp duties arising under this act.

Account to be kept of adhesive stamps.

Twentieth—The rates or duties which shall be expressed or denoted by any such stamps or dies as aforesaid; shall be denominated and deemed to be stamp duties, and shall be under the care and management of the receiver-general and commissioner of stamps for the time being; and all the powers, provisions, clauses, regulations, directions, fines, forfeitures, pains, and penalties contained in, or imposed by the several acts now or hereafter to be in force relating to stamp duties, shall, so far as the same shall be applicable, and may be consistent with the provisions of this act, in all cases not hereby expressly provided for, be of full force and effect with respect to the stamps to be provided or issued under or by virtue of this act, and to the papers on which the same shall be impressed, or to which the same shall be affixed, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the rates or duties denoted thereby, and for preventing, detecting, and punishing all frauds, forgeries, and other offences relating thereto, as fully and effectually, to all intents and purposes, as if such powers, provisions, clauses, regulations, and directions, fines, forfeitures, pains, and penalties had been herein repeated and specially enacted: *Provided always*, That the receiver-general, and commissioner of stamps, shall not make or allow any allowance, or discount on the payment to them of any of the said duties arising under this act, or on the purchase from them of any stamps denoting the said duties.

Stamps and dies to be under care of receiver-general, &c.

Proviso.

Twenty-first—All letters to or from the united kingdom of Great-Britain and Ireland, or any of her majesty's colonies or dominions, which shall have been prepaid according to the respective rates now or hereafter to be established by her majesty's postmaster-general, or other legislative or proper authority, shall pass through the post-offices in this island free of any further or other postage or charge thereon; and on letters to or from the united kingdom, whether wholly unpaid, or insufficiently paid, there shall be charged such addition to the ordinary rate of postage as the governor, in executive committee, may agree upon with the imperial post-office authorities; and such addition shall be recoverable as the postage may by this act be recovered.

As to letters from Great-Britain, &c.

Governor may sanction arrangements with postal authorities of other countries.

Twenty-second—It shall be lawful for the governor, with the advice of the executive committee, to make orders and regulations from time to time for authorizing, sanctioning, or giving effect to any arrangement which require to be made with the government or with the postal authorities of the united kingdom, or any of her majesty's colonies or dominions, or of the States of North-America, or any foreign country, with regard to the collecting and accounting for, or disposing of postage, the transmission of mails, and other matters connected with posts and postal business, and the remuneration or indemnity to be paid or received under any such arrangements.

Monies to be paid to the receiver-general.

Twenty-third—All moneys received or collected for the postage at the general post-office in Kingston, and all moneys remitted by the deputy postmasters to the postmaster, shall be paid by him at the end of every week into the hands of the receiver-general, who shall open and keep, in the books of public accounts, an account, to be entitled "JAMAICA POST-OFFICE ACCOUNT," in which shall be duly entered all items of receipts and expenditure, and all charges received or incurred on account of the management of the post-office department of this island; and any surplus of revenue, after the payment of all contingent charges, shall be appropriated to the support of the government of this island.

Account of all monies, stamps, and charges to be kept, and audited.

Twenty-fourth—The postmaster for Jamaica shall keep an account of all monies arising from the duties of postage within this island, as they shall from time to time accrue; and also of all stamps received from the receiver-general, and all other particulars and items of receipts or credits whatsoever, distinguishing the amount, if any, which may continue or become payable for packet postage or otherwise to her majesty's postmaster-general, or the government, or postal authority of any of her majesty's colonies or dominions, or of the states of North-America, or of any foreign country; and shall also keep an account of all expenditure and charges of the said department, which accounts shall, from time to time, be duly audited under the provisions of "THE PUBLIC AUDIT ACT, 1857," the several provisions and powers of which shall extend and apply to all officers, persons, accounts, and things relating to the post-office in this island; and the postmaster shall lay such accounts of receipts and expenditure, made up to the thirtieth day of September in each year, before each branch of the legislature, within two weeks after the meeting of any session to be held after the said thirtieth day of September, and shall, whenever required, from time to time furnish

nish the governor with a statement of account of such receipts and expenditure, made up to any date to be fixed by the governor, and furnish also all reports, statements, or information that may from time to time be required by the governor.

Twenty-fifth—All salaries, and other expenses and charges of the post-office department, shall be paid by the receiver-general, by warrant under the hand of the governor, at such times as the governor shall fix for the payment of the same.

Salaries, &c. to be paid by receiver-general.

Twenty-sixth—It shall be lawful for the governor, with the advice of the executive committee, from time to time to make orders and regulations :

Orders and regulations may be made from time to time.

First—For providing, when he deems it expedient, means for avoiding the risk of transmitting small sums of money through the post, by establishing a system of money orders, to be granted by one postmaster, or officer of the department, on another, and fixing the terms on which such orders may be obtained.

Second—And for establishing the money order system so as to include the granting of money orders on postmasters in the united kingdom, and the payment of any orders drawn by such postmasters on postmasters in this island, on such terms and conditions as he may deem expedient.

Twenty-seventh—The several laws at the time of the transfer of the post-office department in force relating to the post-office in this island shall, so far as the same shall be applicable, continue in force, and regulate the post-office department in this island, as established under this or any other act ; and all provisions, powers, and authorities of acts, so far as the same shall be applicable, shall be available, and of force, and may be exercised by the governor, with the advice of the executive committee, or by any judges or justices of the peace, or any officer or servant, or other person employed in, or acting on behalf of the post-office service, according to their respective functions of office, and as the nature of the case may require, and as the same might have been exercisable respectively by the lords of her majesty's treasury, her majesty's postmaster-general, or any judges, justices of the peace, or any officer, servant, or person heretofore respectively for the management, or on behalf of such department ; and the making, or enforcement, or determining of contracts, and the enjoyment and maintenance of all rights and privileges reserved or secured to the same under any provision of any such act, and for the enforce-

Certain laws declared in force.

ment of all pains and penalties, or fines against persons offending against any provisions of any such act, and all fines and penalties shall be received, and collected, and paid over to the receiver-general in the same or like manner as other fines and penalties are now received and paid over, and shall be by the receiver-general carried to the credit of the post-office account, and may be appropriated for the use of the government of this island.

Definition of word
"letter."

Twenty-eighth—Whenever the word "letter" or "letters" is used in this act, the same (except when it shall be otherwise expressly provided or excepted), shall be held to include newspapers, and any other packet, paper, article, or thing transmitted by the post, but not so as to deprive newspapers of any privilege they may now legally possess of passing free of postage; and the provisions of this act shall be construed according to the respective interpretations of the terms and expressions contained in the several acts at the time of the transfer aforesaid, and by this act continued in force relating to the post-office, as far as those interpretations are not repugnant to the subject, or inconsistent with the provisions of this act.

Offences may be punished under 24 Vic. cap. 20.

Twenty-ninth—Notwithstanding the expiry or repeal of the act twenty-fourth Victoria, chapter twenty, for the management of the post-office department in this island, any offence committed against, or penalty incurred under any provision of the said act, or any act thereby continued in force, may be prosecuted and punished, or proceeded for and enforced respectively as if the said act had not expired or been repealed.

Duration of act]

Thirtieth—This act shall commence and be in force from the passing thereof until the thirty-first day of March, one thousand eight hundred and sixty-six.

Short title.

Thirty-first—This act may, for all purposes, be cited as 'THE POST OFFICE ACT, 1862.'

Schedule of salaries of the postmaster, and officers of the post office department.

	£.	s.	d.
Postmaster, <i>per annum</i> , not exceeding	600	0	0
First clerk, ditto ditto ditto	355	0	0
Second ditto ditto ditto ditto	300	0	0
			Third

	£.	s	
Third ditto ditto ditto ditto	250	0	0
Fourth ditto ditto ditto ditto	200	0	0
Fifth ditto ditto ditto ditto	120	0	0
Letter sorters, <i>per annum</i> , in the whole not exceeding	100	0	0
Messengers and postmen for Kingston delivery, proposed salary:—			
First, at	£65		
Second, at	£60		
Third, at	£40		
Fourth, at	£33		
Fifth, at £30	—	228	0 0

THE
LAWS OF JAMAICA.

[S E S S I O N II.]

ANNO REGNI VICESIMO SEXTO VICTORIÆ.

C A P. I.

An act for the settlement of the loan due from this island to the imperial government, under the imperial statute second and third William the fourth, chapter one hundred and twenty-five ; and island act fourth William the fourth, chapter two.

WHEREAS on the fifth day of February, one thousand eight hundred and sixty-two, there was due from the public of this island, on account of the loan of two hundred thousand pounds, advanced out of the imperial exchequer, under the imperial statute second and third of King William the fourth, chapter one hundred and twenty-five, and the act of the legislature of this island, fourth of king William the fourth, chapter two, the sum of two hundred and forty-nine thousand five hundred and eighty-two pounds and two pence: *And whereas* the imperial parliament, as manifested by the act of parliament, twenty-fifth and twenty-sixth of her majesty queen Victoria, chapter fifty-five, is willing that the debt so due shall be commuted for a perpetual annuity of six thousand four hundred pounds, payable annually out of the revenues of this island, and to be applied in manner in the last aforesaid act of

Preamble.

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parliament

parliament and hereinafter mentioned: *Be it therefore, and it is enacted by the governor, legislative council, and assembly of this island, as follows :*

£6400 charged as annuity on revenue in schedule,

First—The sum of six thousand four hundred pounds shall be charged, by way of perpetual annuity, on the duties and sources of revenue mentioned in the schedule annexed hereto.

which shall be postponed to the sums of £30,000 and £25,000.

Second—The charge, so created, shall be postponed to the sum of thirty thousand pounds, appropriated to the payment of the principal and interest of the public debt of five hundred thousand pounds, and to the sum of twenty-five thousand pounds, appropriated to defraying the expenses of the services and purposes comprised in schedules A and B, appended to the act of the legislature of this island, seventeenth of her majesty queen Victoria, chapter twenty-nine, but shall have priority over all other charges.

Annuity to become due on 30th June and 31st Dec. in each year,

Third—The said annuity of six thousand four hundred pounds shall be deemed to become due on the thirtieth day of June, and the thirty-first day of December in every year, and shall be paid to such persons, and at such time or times, after accruing due, as the governor may, by warrant under his hand, from time to time direct, and the first of such payments shall be made on the thirtieth day of June, one thousand eight hundred and sixty-three.

and be applied in payment of certain expenses in the island.

Fourth—The said annuity of six thousand four hundred pounds shall be applied in payment of such expenses of the government of this island, and of objects connected therewith, and of local improvements here, as the governor may, from time to time direct, in pursuance of such instructions as may from time to time be issued by one of her majesty's principal secretaries of state.

An account, in detail, to be laid before the assembly.

Fifth—An account, in detail, of the expenditure of the said yearly sum of six thousand four hundred pounds shall be laid before the assembly within the first two weeks of each meeting thereof.

SCHEDULE.

All duties or sums of money authorized to be collected under any of the following acts ; that is to say,

Under an act of the legislature of this island, passed in the seventeenth year of the reign of her present majesty, chapter twenty-nine,

twenty-nine, and intituled "An act for the better government of this island, and for raising a revenue in support thereof."

Under the thirty-eighth section of an act of the legislature of the said island, passed in the twenty-first year of the reign of her present majesty, chapter thirty-four, and intituled "An act to provide funds for the improvement and repair of the main roads and bridges, to be transferred to the management of main road commissioners, to appropriate the land and quit rent taxes, and declare the same redeemable for that purpose."

All duties larger or equal in amount to the duties under the first mentioned act, which may be collected or raised under any other act of the said legislature.

C A P. II.

An act to vest in her majesty the forts and defences in and near Port-Royal, and to provide for the maintenance thereof out of the fund reserved under the act of the seventeenth Victoria, chapter twenty-nine, towards the repairs of the forts and fortifications of Fort Charles.

WHEREAS, under the provisions of an act of the legislature of this island, passed in the seventeenth year of the reign of her majesty the queen, entitled "*An act for the better government of this island, and for raising a revenue in support thereof,*" there is, and stands an annual sum of seven hundred and fifty pounds, appropriated to the pay of the officers of Fort Charles, and towards the repairs of the forts and fortifications of Fort Charles: *And whereas* her majesty the queen has signified and made known, through her principal secretary of state for the colonies, her readiness to maintain the works specified in the schedule unto this act annexed in such a state as her department for war may deem necessary for the public defence, upon the condition that the sum of six hundred pounds, by the year, should be payable and paid out of the revenue charged with the annual payment of seven hundred and fifty pounds aforesaid to the principal commissariat officer in this island, to the credit of the war department, and also upon condition that the lands, forts, works, and buildings specified in the schedule, should be conveyed and secured to her majesty's principal secretary of state for war for the time being: *And whereas* it is expedient, for the safety of this island, that the forts and fortifications, and the works of defence accessory thereto, at and in the neighbourhood of Port-Royal, should be placed under the direction and management of skilled officers of her majesty's army: Therefore, and in faith of, and in

3 G 2

Preamble.
accordance

Lands in schedule
vested in the secretary
at war.

accordance with the terms and conditions, and for the purpose aforesaid, *Be it, and it hereby is enacted and declared by the governor, legislative council, and assembly of this island,* That the lands, tenements, and hereditaments, erections, and buildings named, specified, and indicated in the schedule hereunto annexed, shall be henceforth hereafter, and now are declared to be vested in "her majesty's principal secretary of state for the war department."

£600 per annum to be
paid to commissariat.

Second—Out of the sum of seven hundred and fifty pounds, appropriated as aforesaid, there shall henceforth be paid to the principal commissariat officer as aforesaid, and at such times as the governor may, by warrant under his hand from time to time direct, the sum of six hundred pounds *per annum*.

SCHEDULE

Of Works of Defence and Buildings vested in her Majesty.

STATIONS AND WORKS OF DEFENCE.	MAGAZINES, AND OTHER BUILDINGS.
PORT-ROYAL. Hanover lines, and battery. King's lines. Upper Queen's lines. Lower ditto. Prince Frederick's lines. Prince of Wales' lines. Prince Edward's lines. Redan. Polygon battery.	PORT-ROYAL. Large magazine in Fort Charles. New magazine. Lieutenant-governor's quarters, and outbuildings. Storehouse. Sergeant major's quarters. The several officers' quarters, mess house. Fort lieutenant's quarters, with their several out-buildings. Billiard room. Laboratory, gun-carriage shed, kitchen, forge, and stable. The wharf. Water tank, and wooden aqueduct. The boat-house. Carpenter's shop. Canteen. Enclosure, walls, and fences.

APOSTLES'

APOSTLES' BATTERY. The battery (mounting six guns.)	APOSTLES' BATTERY. Magazine. Laboratory. Large rain water tanks. Small tank at south landing.
FORT AUGUSTA. Batteries, flag-staff, and shot furnace.	FORT AUGUSTA. Magazine. Laboratory. Shifting room. Fort major's quarters, and out-buildings. Rain water tanks at west end of fort. Rain water tank adjoining the magazine. Water tank at east entrance. Wharf and shed. Bath house (in ruins.)
FORT CLARENCE. The battery.	FORT CLARENCE. The magazine (in ruins.) Barracks (in ruins.)
ROCK FORT. The battery.	ROCK FORT. The magazine. The barracks (in ruins.) Non-commissioned officers' quarters (in ruins.) Cooking house (in ruins.) Officers' quarters.
FORT NUGENT. The fort, and Martello tower.	FORT NUGENT. Officers' quarters (in ruins.) Barracks (in ruins.)

C A P.

C A P. III.

An act to relieve persons from taking certain oaths more than once during the reign of the same sovereign.

Preamble.

WHEREAS it is necessary to relieve persons holding offices of honor and emolument in this island from taking and subscribing certain oaths more than once during the reign of the same sovereign: *Be it enacted by the lieutenant-governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :*

No person to be required to take certain oaths more than once during the reign of the present, or the same sovereign.

No person who, at the time of the passing of this act, is required to take and subscribe the oaths of allegiance, supremacy, and abjuration upon his election or appointment to any corporate, public, or parochial office in this island, whether honorary or of emolument, and who shall have at any time before such election or appointment taken and subscribed such oaths at any time during the reign of her present majesty queen Victoria, or the reign of any future sovereign of Great-Britain and Ireland, shall be required, or obliged again to take or subscribe such oaths, or any of them, in consequence of his election, re-election, or appointment to any corporate, public, or parochial office of honor or emolument during the continuance of such reign ; nor shall any such person be liable to any penalty, disability, or forfeiture for not taking or subscribing the said oaths, or either of them, more than once during the reign of any sovereign.

C A P. IV.

ANNUAL.

An act to impose additional duties of customs on certain articles of import.

C A P.

C A P. V.

An act authorizing the raising of a loan, not exceeding twelve thousand pounds, for main road purposes, and to provide a sinking fund for the same.

WHEREAS it is necessary to provide further funds for the maintenance and construction of main roads and bridges: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble.

First—The governor, with the advice of the executive committee, shall have full power and authority to borrow and raise, either in this island or in Great-Britain, by bond, debenture, or otherwise, such sum, not exceeding in the whole the sum of twelve thousand pounds, for the purposes of this act, as the same shall be required, in like manner as is prescribed, and with the same powers as are given, by the third and fourth sections of "The Main Road Fund Act, one thousand eight hundred and fifty-seven," (twenty-first Victoria, chapter thirty-four), except in respect to the period of redemption, which it is hereby declared shall be at the furthest at the end of twenty five years from the date of such loan, or of the respective bonds or debentures issued for the same, or any part thereof: *Provided always*, That it being the object of this act that the sum required to be borrowed shall be obtained by a loan in Great-Britain, or in this island; nothing contained herein shall be construed into empowering the governor, and executive committee, to borrow any monies bearing interest in the receiver-general's office, or any monies whatever that are or may be in the said office belonging to the public, for the purposes of this act, and placing as security, in lieu thereof, bonds or debentures authorized to be issued thereunder.

Governor may borrow £12,000 for main road purposes.

Proviso.

Second—The receiver-general from time to time shall pay the half yearly interest, as the same shall fall due, on all bonds or debentures payable in this island, and shall remit to the agent or agents in Great-Britain, at a convenient time before the same shall become due, such monies as shall be required for payment of the half yearly interest, to be payable there.

Receiver-general to pay interest on debentures half yearly,

Third—The receiver-general shall, in each year, commencing in one thousand eight hundred and sixty-four, invest, in such securities in this island, or in the public funds in Great-Britain, as the governor, with the advice of the executive committee, shall, by his warrant direct, a sum not exceeding three hundred pounds, calculated

and invest certain sums as a sinking fund, &c.

lated at the rate of two and a half per cent. on the amount of the loan to be from time to time actually raised, and shall also invest the interest and dividends, from time to time to accrue on each such annual sum, and the accumulations thereof, for the purpose of a sinking fund, to meet the redemption of the principal monies, to be borrowed under the authority of this act, as the same shall become payable.

Sums borrowed a charge on the general revenue.

Fourth—All sums of money which shall be borrowed under the authority of this act, and all interest thereon, shall be a charge on, and paid out of the general revenue of this island; and the monies which shall be required on account of the principal and interest of the loan by this act authorized, shall be annually stated on the estimates of expenditure, and amounts required to be raised for the public service, and shall be raised annually accordingly as part of the general public expenditure.

Monies borrowed to be paid to receiver-general, &c.

Fifth—All monies, to be borrowed under the provisions of this act, shall be paid to the receiver-general, and entered as "The Main Road Further Loan Fund, 1863," and shall be carried to the main road fund account, directed to be kept under "The Main Road Fund Act, one thousand eight hundred and fifty-seven," (twenty-first Victoria, chapter thirty-four), for the purposes of this act: *Provided*, That out of the said loan of twelve thousand pounds there shall be disbursed, solely for purposes of reconstruction of roads, and building of bridges, a sum of ten thousand pounds.

Proviso: £10,000 to be disbursed for bridges, &c.

Accounts to be laid before the assembly.

Sixth—Detailed accounts of the expenditure of the said loan monies, and also of the payments of interest and investments of the sinking fund on account of such loan, shall be laid before the assembly, within twenty-eight days after the opening of each session thereof.

C A P.

C A P. VI.

An act to repeal the acts of the twenty-third Victoria, chapter twenty-six, and twenty-fifth Victoria, chapter three, relating to the perpetual annuity, and to authorize the appropriation, in aid of the general revenue, of the balance of the sum made appropriable under the last-mentioned act.

WHEREAS the settlement of the debt due from this colony to the imperial government, intended to be made by the act of the twenty-third Victoria, chapter twenty-six, is provided for by the statute of the imperial parliament, passed in the twenty-fifth and twenty-sixth years of her majesty queen Victoria, chapter fifty-five, and the act of the legislature of this island, passed, or to be passed during the present session, in conformity with such statute, and in consequence the provisions of the firstly recited act of the twenty-third Victoria, are now unnecessary: *And whereas also, it is no longer necessary that the remaining balance of the monies mentioned in the act of the twenty-fifth Victoria, chapter three, as accrued on account of the perpetual annuity fund, should be appropriated as by such act was authorized: Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble.

First—The several recited acts of the twenty-third Victoria, chapter twenty-six, and twenty-fifth Victoria, chapter three, are, and each of them is hereby repealed, but without prejudice to any appropriation of money, or any other act hitherto made or done thereunder respectively.

23d Vic. cap. 26, and 25th Vic. cap. 3, repealed.

Second—The sum of one thousand eight hundred and seven pounds six shillings and eight pence, being the balance remaining unappropriated as of the thirty-first day of January, one thousand eight hundred and sixty-three, of the monies made appropriable by the recited act of the twenty-fifth Victoria, chapter three, shall be, and is hereby declared to be transferred to the credit of the general revenue of this island, and may be used and appropriated in aid thereof towards the support of the government of this island.

£1807 6s. 8d. transferred to credit of general revenue.

Third—This act shall not come into operation until her majesty's royal assent shall have been signified thereto.

Suspended clause.

S H

C A P.

C A P. VII.

An act to amend "The Stamp Duty Act, 1862," in respect to certain duties on bills of exchange (inland and foreign), and on policies.

BE it enacted by the lieutenant-governor, legislative council, and assembly of this island, and by the authority of the same, as follows :

Certain portion of schedule to "Stamp Duty Act, 1862," repealed, and following duties imposed in lieu.

First—So much of the schedule annexed to "The Stamp Duty Act, 1862," as comprises, or sets forth the duties chargeable upon inland bills of exchange, and foreign bills of exchange, is hereby repealed ; and, in lieu thereof, the next mentioned duties and provisions are hereby enacted and substituted ; that is to say,

BILLS OF EXCHANGE (INLAND.)

	£.	s.	d.
Draft, or order, or acceptance for the payment to the bearer, or to order, at any time otherwise than on demand, of any sum of money amounting to ten pounds, and not exceeding thirty pounds	0	0	3
Above thirty pounds, and not exceeding fifty pounds	0	0	9
Above fifty pounds, and not exceeding one hundred pounds	0	1	3
Above one hundred pounds, and not exceeding two hundred pounds	0	2	0
Above two hundred pounds, and not exceeding three hundred pounds	0	3	3
Above three hundred pounds, and not exceeding four hundred pounds	0	4	0
Above four hundred pounds, and not exceeding five hundred pounds	0	5	3
Above five hundred pounds, and not exceeding one thousand pounds	0	6	9
Above one thousand pounds, and not exceeding two thousand pounds	0	13	3
			Above

	£.	s.	d.
Above two thousand pounds, and not exceeding three thousand pounds	1	6	9
And where it shall exceed three thousand pounds	2	0	0

Inland bill, draft, or order for the payment of any sum of money weekly, monthly, or at any other stated period, if made payable to the bearer, or to order, or if delivered to the payee, or some person on his or her behalf, when the total amount of the money thereby made payable shall be specified therein, or can be ascertained therefrom

The same duty as on a bill payable to bearer, or order, at any time, otherwise than on demand, for a sum equal to such total amount.

EXEMPTIONS FROM THE PRECEDING AND ALL OTHER STAMP DUTIES.

All drafts or orders drawn on the receiver-general of this island, but such drafts or orders shall, notwithstanding, be liable, at the time of payment, to the duty imposed by this act on receipts.

BILLS OF EXCHANGE (FOREIGN.)

Drawn in sets, according to the custom of merchants, for every part, or bill of each set, where the sum made payable thereby shall be for ten pounds, and not exceeding fifty pounds	0	0	3
Above fifty pounds, and not exceeding one hundred pounds	0	0	9
Above one hundred pounds, and not exceeding two hundred pounds	0	1	3
Above two hundred pounds, and not exceeding five hundred pounds	0	2	0
Above five hundred pounds, and not exceeding one thousand pounds	0	4	0
Above one thousand pounds, and not exceeding two thousand pounds	0	8	0
Above two thousand pounds, and not exceeding three thousand pounds	0	13	3
And where it shall exceed three thousand pounds	1	6	9

3 H 2

Above

£. s. d.

But all foreign bills of exchange shall be stamped at and after the rates hereinbefore mentioned, notwithstanding that the sums, for which such bills shall be drawn, shall be expressed in dollars, francs, or any other description of money of account.

Former duties on policies repealed, and others substituted.

Second—The third, fourth, fifth, and sixth items, or provisions charging or specifying duties under the head or article "POLICIES," in the recited schedule, are hereby repealed; and, in lieu thereof, the understated provisions and charges on policies are hereby enacted and substituted; that is to say,

And where it shall exceed five hundred, and not exceed one thousand pounds	2 0 0
--	-------

And where it shall exceed one thousand pounds, and not exceed two thousand pounds	2 13 6
---	--------

And where it shall exceed two thousand pounds, and not exceed five thousand pounds	4 0 0
--	-------

And where it shall exceed five thousand pounds	6 13 6
--	--------

The provisions of this act to be incorporated with the schedule in "Stamp Duty Act, 1862."

Third—The several provisions and charges by this act enacted, shall be incorporated with, and read as part of, the recited "Stamp Duty Act, 1862," and the schedule thereto annexed, in place or substitution of the several above repealed parts, items, or provisions of such schedule, and shall be subject to any other provisions and enactments not by this act repealed of the recited act, and schedule respectively, in like manner as those by this act repealed were subject.

29th sec. of said act repealed, and act amended.

Fourth—The twenty-ninth section of the recited stamp duty act is hereby repealed; and, in lieu thereof, it is declared that the duties respectively imposed by the recited act may be made up by several stamps, and stamps of greater value than is hereby required may be used upon any instrument.

C A P.

C A P. VIII.

An act for the abolition of toll gates throughout this island.

WHEREAS it is expedient that all tolls on roads should be abolished throughout this island: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble:

First—On, from, and after the first day of October, one thousand eight hundred and sixty-three, no toll or payment shall be taken or demanded on any road or bridge throughout this island, anything in any act to the contrary notwithstanding.

Toll dues abolished after 1st Oct. 1863.

Second—The main road commissioners, the respective boards of highways and bridges throughout the island, all commissioners having the charge of particular lines of roads or tolls, and all other persons or bodies whom it may in any wise concern, or to whom it shall or may appertain so to do, are hereby authorized and empowered to sell, or assign to the best advantage, all toll-houses, and lands attached thereto, and other hereditaments belonging to such board, commission, trust, or roads respectively, in the discretion of the board of commissioners, and to apply the monies arising from such sale to the credit of the board, commission, trust, or road to which the premises sold shall have belonged: *Provided*, That such toll-houses and lands shall be sold by public outcry, due notice being given of the day of sale in one or more of the public newspapers of the island.

Main road commissioners, &c. may sell toll-houses, &c.

Proviso.

Third—The signature and seal to any title deed and acknowledgement of the receipt of the purchase-money, by the secretary of any board, commission, trust, or road, selling any lands, or premises, or chattels as aforesaid, shall be sufficient to vest in the purchaser thereof a good and valid estate in fee simple, or such other estate as the vendor shall have in the same, and profess to convey or assign.

Signature of secretary to deed to be sufficient.

C A P. IX.

An act in aid, and to amend the fifteenth Victoria, chapter seventeen, "The Plumb Point Light House Act."

Preamble.

WHEREAS it is necessary to amend the act fifteenth Victoria, chapter seventeen, the Plumb Point Light House Act: *Be it enacted by the lieutenant-governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Commissioners may purchase more land.

First—It shall be lawful for the commissioners named in the act of fifteenth Victoria, chapter seventeen, and elected and appointed under the authority of the same, and who may be hereafter elected and appointed, from time to time, and whenever they may think proper, to purchase and take such further quantity of land in the neighbourhood of the light house, erected near Great Plumb Point, as they shall consider necessary for the purposes of such light house, in the manner directed, and with the powers and authority conferred by the third section of the said act fifteenth Victoria, chapter seventeen: *Provided*, That no increase to the existing rates of light house dues shall be imposed at any future period for this or any other purpose.

Provide.

Vessels under certain circumstances exempted from dues.

Second—Vessels arriving at Port-Royal for the purpose of landing passengers, or of receiving orders, or calling off the port for the purpose of taking pilots on board, shall not be charged with, nor liable for light house dues under the said fifteenth Victoria, chapter seventeen.

C A P.

C A P. X.

*An act to amend the fourth Victoria, chapter forty-four,
"Dissenters' Marriage Act."*

WHEREAS it is necessary to amend the act fourth Victoria, chapter forty-four (the Dissenters' Marriage Act:) *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :*

Preamble.

First—It shall not be necessary for any minister of religion transmitting duplicate original registers of marriages, required by the ninth section of the said act, fourth Victoria, chapter forty-four, to be transmitted to the island secretary, to be filed and recorded, to count the words contained in them, or do more than certify that they are the duplicate original registers left with such minister, agreeably to the provisions of the said ninth section of the said act.

Ministers of religion
to forward duplicate
registers of marriages
to island secretary.

Second—For the filing and recording of all such duplicate original registers as shall be forwarded to him, the island secretary shall be paid by the public at the rate heretofore paid for such services ; and for counting such duplicate original registers of marriages, the island secretary shall be entitled to be paid the sum of three pence for each legal sheet of one hundred and sixty words, and no more.

Who shall be paid for
filing and recording
same by the public,

Third—The island secretary shall, at the close of every month, make out a statement of the number of duplicate original registers of marriages filed and recorded by him during such month, which statement, certified by him as correct, shall be audited and paid as other accounts against the public have been, or may be audited and paid.

upon a statement
made up monthly.

C A P.

C A P. XI.

An act to amend the twenty-sixth Victoria, chapter three, for the encouragement of breeders of horses and cattle.

Preamble.

WHEREAS by the printed copy of "*An act to encourage breeders of horses and cattle, and for other purposes*," (twenty-sixth Victoria, chapter three), which passed the legislature on the twelfth day of December, one thousand eight hundred and sixty-two, and was published under the direction of the commissioners appointed by the fifty-ninth George the third, chapter twenty-four, it is declared, in the first proviso to the sixth clause thereof, "that no horse, mare, or gelding shall be allowed to run for more than two queen's purses" under such act; but, by the original act, which passed the legislature of this island, it is declared, in the said proviso to the said clause of the said act, "that no horse, mare, or gelding shall be allowed to win more than two queen's purses;" and, to correct such error as aforesaid, *Be it enacted by the lieutenant-governor, legislative council, and assembly of this island,*

Printed copy of 26th Vic. cap. 3, declared invalid in respect to horses running for more than two queen's purses.

First—That the said printed copy of the said act, so published as aforesaid, shall be, and is hereby declared to be invalid, and of no force and effect, so far as the same states "that no horse, mare, or gelding shall be allowed to run for more than two queen's purses," but that the said first proviso to the said act shall be read as in the original enactment as follows; that is to say, "*Provided*, That no horse, mare, or gelding shall be allowed to win more than two queen's purses under this act."

A horse which has won two of such purses ineligible to run for another.

Second—That no horse, mare, or gelding which shall have won two queen's purses under any former act, shall be eligible to run for, or win any purse under the said act, twenty-sixth Victoria, chapter three.

C A P.

C A P. XII.

An act to authorize the library committee of the house of assembly to frame rules and regulations for the due care and preservation of their library.

WHEREAS it is necessary that provision should be made for the care and preservation of the library of the house of assembly: *Be it enacted by the lieutenant-governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,*

Preamble.

First—That the library committee of the house of assembly shall have power to frame such rules and regulations, and from time to time to alter and amend the same, in such manner as may be deemed necessary for the due care and preservation of their library.

The library committee of the assembly to make rules,

Second—That such rules and regulations shall, from time to time, be laid before the house of assembly, within ten days after the meeting of the session after which such rules and regulations have been framed, or altered, and amended, for confirmation by such house.

which shall be laid before the assembly for confirmation,

Third—That unless such rules and regulations are rescinded or altered by the house of assembly, within ten days after the same have been laid before them, such rules and regulations shall be deemed as valid and effectual as if they had been enacted by the legislature.

and have the force of law.

C A P. XIII.

An act to revive and continue in force, for a limited period, and to amend the twenty-fifth Victoria, chapter forty-two, (insolvent debtors' law.)

ANNUAL.

C A P. XIV.

An act to revive and continue in force, for a limited period, the nineteenth Victoria, chapter twenty-one, and the twenty-third Victoria, chapter thirty-three ("The Vestry Election and Registration [Regulation] Acts.")

ANNUAL.

C A P. XV.

An act relating to costs in crown suits.

Preamble.

WHEREAS it is expedient to assimilate the law, as to the recovery of costs in proceedings, in respect of matters relating to the revenue, by or on behalf of the crown, to the laws in force as to proceedings between subject and subject: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

The crown entitled to recover costs,

First—In all informations, actions, suits, and other proceedings, to be hereafter instituted before any court or tribunal whatever in this island, by or on behalf of the crown against any corporation or person, in respect of any lands, tenements, or hereditaments, or of any goods or chattels belonging or accruing to the crown, or in respect of any sum or sums of money due and owing to her majesty, by virtue of any act of the imperial parliament, or of the legislature of this island, for any public or parochial service, her majesty's attorney-general shall be entitled to recover costs for and on behalf of her majesty, where judgment shall be given for the crown, in the same manner, and under the same rules, regulations, and provisions as are or may be in force touching the payment or receipt of costs in proceedings between subject and subject; and such costs shall be paid into the hands of the receiver-general of this island, and be held by him to the credit of the public.

and to pay costs, upon the judge certifying that the defendant is entitled thereto.

Provido, upon judge certifying for costs, same to be paid out of money voted for that purpose.

Second—If, in any such information, action, suit, or other proceeding, judgment shall be given against the crown, the defendant or defendants shall be entitled to recover costs, in like manner, and subject to the same rules and provisions, as though such proceeding had been had between subject and subject: *Provided, That* the presiding judge shall certify on the record that, in his opinion, the case is one in which the defendant is entitled to his costs; and the executive committee are hereby required to direct the receiver-general to pay the last-mentioned costs out of any sum of money to be voted by the legislature for that purpose.

The proceedings to be regulated by the rules, &c. as in the case of subject and subject.

Third—The proceedings in all such suits shall, as far as applicable, be regulated by the rules of pleading and of practice in suits between subject and subject, and the judges of the supreme court may from time to time frame all such further rules as may be necessary for the practice in such cases.

Fourth—

Fourth—That this act shall not come into operation until it shall have received the assent of her majesty. Suspending clause.

C A P. XVI.

An act in aid of, and to amend the volunteer militia acts, twenty-third Victoria, chapter thirty-two, and twenty-fifth Victoria, chapter forty-three.

WHEREAS volunteer militia companies have been formed in several parishes of this island, under the provisions of the acts twenty-third Victoria, chapter thirty-two, and twenty-fifth Victoria, chapter forty-three: *And whereas* it is expedient and necessary that discipline and good order should be maintained therein, and the numerical strength of the companies extended: *Be it enacted by the lieutenant-governor, the legislative council, and assembly, and it is hereby enacted by the authority of the same,* Preamble

First—That two-thirds of the members of any volunteer company already formed, or to be hereafter formed, as may be present at a meeting convened for that purpose by the commanding officer, are hereby empowered to frame rules and regulations for the good government of such company, and on such rules and regulations being signed by a like number of the members of such company, and approved of by the captain-general, the same shall have the force and effect of law. Two-thirds of members of volunteer company may frame rules,

Second—Within fourteen days after such rules and regulations shall have been approved of by the captain-general, the same shall be lodged with the clerk of the peace of the parish to which the volunteer company is attached, and kept among the public records of his office. to be approved, and lodged with clerk of peace.

Third—Two-thirds of the members of any volunteer company may, at any time after ten days' notice has been given as aforesaid, alter and amend any rule or regulation, subject as aforesaid to the approval of the captain-general; and, in case of approval, such amendment shall be lodged with the clerk of the peace for the parish as above provided. Rules may be amended.

Fourth—Any subscription, fine, penalty, or forfeiture, imposed under any of such rules and regulations, shall be recovered at the instance of the officer commanding the company in which the same was imposed or incurred, in a summary manner before any justice of the peace for the parish to which such volunteer company belongs; and, upon failure of payment of such subscription, fine, penalty Penalties, &c. may be recovered before a justice of the peace, &c.

nalty, or forfeiture, within one month after the order of its enforcement has been made by such justice of the peace, the same shall be recovered by levy under a warrant of distress on the goods and chattels of the delinquent, which levy shall be made by the collector of petty debts, or any deputy collector of petty debts of any such parish, who shall be entitled, for the execution of such process, to the same fees as are given under the petty debt act.

Limitation as to number of a company.

Fifth—No volunteer company shall consist of more than sixty-four, nor less than twenty-five members, including officers, non-commissioned officers, and privates; the distribution of the members of a volunteer company shall be as follows:

One captain.

One surgeon.

Two lieutenants (or, in mounted troops, one lieutenant, and one cornet).

One quarter-master.

Three sergeants.

Three corporals.

Fifty privates.

One bugler.

One drummer.

One fifer.

Officers to be commissioned.

Sixth—Every officer of volunteers now in existence, or hereafter to be appointed, shall receive a commission from the captain-general, which commission shall be free of stamp duty, and of any charge whatsoever.

Services of same, &c. may be dispensed with.

Seventh—It shall be lawful for the governor, upon good and sufficient cause, proved to his satisfaction, to dispense with the services of any officer, non-commissioned officer, or member of any volunteer troop or company.

Volunteer may resign.

Eighth—Every volunteer shall serve for two years from the day of his enrolment, but any volunteer may be permitted, by a majority of the officers of his company, to resign therefrom after giving one month's notice of his desire to do so.

Penalty for not handing over arms, &c. by an officer.

Ninth—Every officer commanding any volunteer troop or company, who shall, on his resignation of office, or dismissal, neglect or

or refuse to hand over to the officer, or non-commissioned officer next in command, or to any person appointed by the governor to receive the same, all arms, accoutrements, ammunition, and other articles, which may [*have*] been issued to such troop or company, of which he was in command, or what may have been entrusted to his care, shall, on conviction before any two justices of the peace of the parish, be liable to pay a fine or penalty not exceeding five pounds, nor less than two pounds, in addition to the value of the article or articles so withheld.

Tenth—Every member of any volunteer troop or company who shall fail to deliver up to the officer in command of such troop or company, all arms, accoutrements, ammunition, bugles, or any other articles entrusted to his care within seven days after having received intimation of his dismissal from such troop or company, in which he shall [*have*] been enrolled or appointed to, or after his resignation as aforesaid, shall, on conviction before any two justices of the peace of the parish, be liable to pay a fine or penalty not exceeding five pounds, nor less than twenty shillings, in addition to the value of the article or articles so withheld by him.

or by a member.

Eleventh—Every volunteer company is empowered to form either a band or drum corps, either separately or in conjunction with another company or other companies; and every member of such band or drum corps shall be held and taken to be a member of the company, exclusive of the men forming the rank and file, and shall be subject to the same discipline, and shall have and enjoy all the rights and privileges conferred on volunteers by any act of this island.

Band or drum corps may be formed.

Twelfth—The captain of any company or troop is hereby invested with the power of appointing any officer, or non-commissioned officer of his company or troop, to act as secretary to the same.

A secretary may be appointed.

Thirteenth—Every member of a volunteer company or troop shall be free from arrest on *mesne* process in going to, during, and returning from any parade, muster, drill, target practice, or any other service which he may be required to discharge under any act of the legislature of this island, or by order of the captain-general, or the officer commanding such company or troop.

Volunteers free from arrest.

Fourteenth—All arms, accoutrements, ammunition, clothing, musical instruments, and other necessities, imported for the exclusive use of any volunteer company, shall be free of all import and other duties and town dues.

Arms, &c. imported free from duty.

Fifteenth—All fines and penalties hereby imposed, and not otherwise

How fines may be recovered.

otherwise provided for, shall be recovered in a summary manner by information before any two justices of the peace of the parish or precinct where the offence shall be committed; and all such proceedings shall be governed and regulated by the provisions of the thirteenth Victoria, chapter thirty-five, and the acts amending the same.

Repealing clause.

Sixteenth—All such clauses, and parts of clauses of the recited acts as are inconsistent with the provisions of this act, are hereby repealed.

C A P. XVII.

An act in aid of the fortieth George third, chapter twenty-nine, and forty-ninth George third, chapter twenty-six, commonly called "The Falmouth Water Company's Acts."

Preamble.

WHEREAS in and by the fifteenth section of the act fortieth George the third, chapter twenty-nine, entitled "*An act to constitute certain persons therein described a corporation, or body politic, for supplying the town of Falmouth, in the parish of Trelawny, and the inhabitants thereof, and the shipping in the harbour of the said town, with good and wholesome water,*" it is declared, that any warrant to issue for the recovery of the rates in the said act mentioned shall be directed "to all or any of the constables of the parish of Trelawny," now represented by the police force of the said parish: *And whereas*, by a proviso to the twelfth section of the police act, twenty-fourth Victoria, chapter eleven, it is enacted, that it shall not be lawful to employ any policeman in the levying of rents, rates, or taxes for or on behalf of any person, or incorporated company, whereby the Falmouth water company is deprived of the means of recovering the rates which, by their act of incorporation, they are authorized to impose upon the inhabitants of the town of Falmouth; and it is therefore expedient to provide other means whereby payment of the said rates may be enforced: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Directors may appoint a bailiff for the collection of water dues,

First—That from and after the passing of this act it shall be lawful for the directors of the "Falmouth Water Company" from time to time, under the seal of the said corporation, at any meeting of the said board of directors, to appoint a bailiff or

or bailiffs for the collection of the water dues, and such bailiff or bailiffs at their discretion to dismiss, and another or others to appoint.

Second—That all water rates now due, or hereafter to become due, shall be collected and received by the bailiff or bailiffs so appointed.

and of all rates now or hereafter to become payable.

Third—That on the refusal of any person to pay such water rates, it shall be lawful for the directors of the said corporation to sue for and recover the amount due to the said corporation for water rates, either in the petty debt court, or by action in the supreme court, according to the amount of such rates.

Directors may sue for dues,

Fourth—That on the hearing of any summons, or at the trial of any action brought by the said directors for the recovery of water rates, the defendant in such summons or action, shall be entitled to set up a defence that the supply of water had not been duly made; and, unless it shall be shewn to the satisfaction of the justices adjudicating in the petty court, or, in case of an action brought as aforesaid, to the satisfaction of the jury before whom the said action is tried, that such non-supply or insufficient supply occurred from causes over which the corporation had no control, it shall be lawful for the justices or jury to reduce or negative the claim, as to them shall seem just and reasonable.

and defendant plead that the supply of water has not been duly made.

Fifth—That no justice of the peace, being a shareholder, shall sit and adjudicate in any case brought by the said corporation for the recovery of water rates.

No justice who is a director shall adjudicate any such case.

Sixth—That any provision or provisions of the said recited act, inconsistent with, or repugnant to this act, shall be, and the same is, and are hereby repealed.

Provisions of 40th Geo. 3d, cap. 29, inconsistent with this act, repealed.

Seventh—That this act shall be deemed and taken to be a public act, and shall be so received and considered in all courts and places in this island, without being specially pleaded, and shall be read and taken as part of, and incorporated with the said recited acts.

Public act.

C A P.

C A P. XVIII.

An act to amend the "Prisons' Consolidation Act, 1856," (20 [twentieth] Victoria, chapter eleven), and to make further provision in respect to the employment of female prisoners.

BE it enacted by the lieutenant-governor, legislative council, and assembly of this island, and by the authority of the same, as follows :

Female prisoners may be employed on lands adjoining a prison,

but not on the public roads, &c.

Notwithstanding the second clause in schedule D of the act of the twentieth Victoria, chapter eleven ("Prisons' Consolidation Act, 1856,") it shall and may be lawful for the superintendent of any district prison, in any case where there may be lands belonging or appurtenant to such prison, without the walls thereof, but adjoining thereto, to employ, within the limits of such land, any female prisoner, under sentence of hard labor, under the same rules and regulations as other prisoners are employed, under like sentences of hard labor: *Provided*, That no female prisoner shall be employed upon the public roads or thoroughfares of this island, or upon any undertaking of a public or parochial nature.

C A P. XIX.

An act to authorize the use of traction engines on public roads, highways, and thoroughfares of this island.

Preamble.

WHEREAS it is necessary to encourage the use of the traction engine in this island, to render the easy and cheap transit of produce and other articles, and otherwise develope the products of this island : *Be it enacted by the lieutenant-governor, legislative council, and assembly of this island, and by the authority of the same,*

A traction engine may be used on any road,

subject to such rules as the main road commissioners may frame.

First—That it shall be lawful for any person, or for any company to use a traction engine upon, along, over, and across any public road, highway, or thoroughfare of this island.

Second—That it shall be lawful for the main road commissioners to make such rules and regulations as they may deem necessary with regard to the running of such traction engines upon any road, and also for the protection of property adjacent to, and of

of passengers, and of the general traffic on such roads; and, for the infraction of any or either of such rules and regulations, the owner or owners of such traction engine or engines shall be liable to a penalty, not exceeding fifty pounds, nor less than forty shillings, to be recovered in a summary manner before any two justices of the peace of the parish in which the offence shall be committed, under the provisions of the thirteenth Victoria, chapter thirty-five, and any act or acts amending the same.

Third—That no duty shall be charged or paid upon any traction engine imported into this island within five years after the passing of this act.

Such engine to be free from duty.

C A P. XX.

An act in aid of the acts, twenty-fifth Victoria, chapters sixteen and seventeen, and to make further provision for erecting and repairing public and parochial buildings.

WHEREAS further provision is requisite for repairing, enlarging, and building the churches, chapels, court-houses, and other buildings in the several parishes of this island, and also the several other buildings in the schedule to this act mentioned : *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :*

Preamble.

First—The respective committees appointed, or to be appointed under the acts of the twenty-fifth Victoria, chapters sixteen and seventeen, in each parish named in the schedule to this act, shall apply the monies, applicable under the recited enactments, and under this act, or either of them, as the case shall be, for repairing, and, where necessary, for enlarging or newly building the buildings stated in the said schedule of the respective parish, according to the requirements thereof, to the extent of the monies applicable as aforesaid; and shall in all respects proceed according to the provisions of such enactments, and this act, or either of them, as the case may require, to obtain specifications, and invite, by public advertisement, tenders, with sureties, for such respective services, and communicate to the executive committee thereon; and, on their approval, shall accept tenders, with due security, and enter into contracts for the execution of such respective services.

Committees under 25th Vic. caps. 16 and 17, to apply monies made applicable by those and this act.

Second—In any case where tenders may have been, or may be invited under the recited enactments, or this act, or either of them

S K

directed,

They may procure repairs to be done in the absence of tenders.

directed, for repairs in any parish, without any eligible tender having been, or, being offered, it shall be lawful for the respective committees aforesaid, with the approval of the executive committee, to undertake and to procure the performance of any such repairs or buildings, at a reasonable charge, within the means applicable thereto, and upon such security, as to such respective committees shall seem proper.

Appointment of committees to take place after election of vestry men, and vacancies filled up.

Third—For the purposes of the recited enactments, and of this act, or either of them, the justices and vestry of each parish, and the corporation of Kingston shall, annually, after the respective period of election of such vestries, and the proportion of the common council required to be elected in each year, appoint a committee under each of the recited enactments, and this act, or either of them, as occasion shall require, as it is by the same respectively provided and directed; and, in case of any vacancy which has arisen or that may occur in any committee aforesaid, at any time acting under either of the recited enactments, and under this act, or either of them, the vacant place of any elected member shall be filled up by election of another member, in like manner as the member whose place is vacated was elected; and, as to any vacancy in the custoship, the custos for the time being, or, in his absence, or, until his appointment; the senior resident magistrate for the time being, shall exercise and discharge the functions assigned to the custos; and any three of such committee, either as originally appointed under either of the recited enactment, or annually as by this act directed, or as supplemented as by this act provided, the custos or senior magistrate being always one of such three, shall be a quorum, or number sufficient to exercise and perform the duties and authorities of such committee under either of the recited enactments, and under this act, or either of them.

Members for the parish to be members of the committee.

Fourth—That the members for each parish, mentioned in the schedule hereunto annexed, shall be members of the committee for such parish, appointed or to be appointed under the twenty-fifth Victoria, chapters sixteen and seventeen, and under this act.

How monies are to be paid.

Fifth—Except in respect to the new lunatic asylum, Saint Michael's school-house, Kingston, Bishop's Lodge, and the buildings at Maroon Town barracks, the monies by this act provided shall be paid on the warrants of the governor, with the advice of the executive committee, in like manner as the monies by the recited enactments provided are thereby directed to be paid on account of the respective parishes for repairs.

Repairs to certain buildings to be done by board of works.

Sixth—In respect to the new lunatic asylum, Saint Michael's school house, Kingston, Bishop's Lodge, and the buildings at Maroon

room Town barracks, the repairs thereto respectively shall be executed, and the monies provided by this act therefor, shall be applied and paid by the board of works, in like manner as repairs to buildings belonging to the public of this island are directed to be executed, and the monies granted therefor are directed to be expended and paid under the authority, and according to the provisions of the "BOARD OF WORKS' ACT, 1857," (twenty-first Victoria, chapter three).

Seventh—It shall be lawful for the executive committee to raise, by bond, debenture, or otherwise, in such amounts as may from time to time be necessary, not exceeding in the whole the sum of fifteen thousand pounds, to be applied for the purposes of this act, according to the respective sums stated in the schedule to this act annexed, on account of the several parishes named therein.

£15,000 may be raised by bonds, &c.

Eighth—All bonds and debentures to be granted by the executive committee under the authority of this act, shall be in such form as such executive committee, or any two of the members thereof, shall deem fit and proper, and shall be transferable; and every such bond or debenture shall be drawn for a sum not less than fifty pounds, and shall be redeemable at the furthest at the end of twenty-five years from the date thereof.

Form of bonds, which are transferable and redeemable in 25 years.

Ninth—The principal monies so raised shall bear interest from the date of the bond or debenture, at the yearly rate not exceeding six pounds for every one hundred pounds; which interest shall be payable half-yearly, on the warrant of the governor, at the island treasury; and the receiver-general shall invest, in securities in this island, or in the public funds in Great-Britain, or in any bank or banks in this island in each year, commencing in the year one thousand eight hundred and sixty-four, such a sum as the governor, with the advice of the executive committee, shall direct by his warrant, not exceeding three hundred and seventy-five pounds, calculated at the rate of two and a half per cent. on the amount of the loan to be from time to time actually raised; and shall also, in like manner, invest the interest and dividends from time to time to accrue on each such annual sum, and the accumulations thereof, for the purpose of a sinking fund, to meet the redemption of the principal monies to be borrowed under the authority of this act, as the same shall become payable.

And bear interest at 6 per cent.

Sinking fund provided.

Tenth—All sums of money, which shall be raised under the authority of this act, and all interest thereon, shall be charged on and paid out of the general revenue of this island, and the amount for interest and sinking fund, which shall be required to be provided under this act, shall be annually stated on the estimates of

Loan charged on the general revenue.

expenditure and amounts required to be raised for the public service, and shall be raised annually accordingly, as part of the general public expenditure.

Lost bond may be renewed,

Eleventh—In case any bond or debenture shall be lost, or destroyed, or defaced, the governor, with the advice of the executive committee, may renew any such bond or debenture, by substituting therefor a copy, in all respects, of the lost, destroyed, or defaced bond or debenture, except the signatures to be attached thereto, upon indemnity being given, satisfactory to the governor, in executive committee, to provide, in case of the production of any bond or debenture alleged to have been lost, or mislaid, against any loss, damage, or expense, to be incurred in making or resisting payment of the original bond or debenture; or in case of a defaced bond or debenture, upon the delivery up of the same to be cancelled, and which defaced and cancelled bond shall be carefully preserved: *Provided*, That before any bond or debenture shall be renewed as aforesaid, notice shall be published for four consecutive weeks, in the Jamaica Gazette, by authority, of the date, number, and other particulars of any bond or debenture alleged to be lost or destroyed, and desired to be renewed.

public notice being first given.

Bonds exempt from stamp duty.

Twelfth—Every bond, or debenture or other document, issued under this act, is hereby exempt from all stamp duty whatsoever.

Account of moneys received and paid, to be laid before the assembly.

Thirteenth—Accounts shall, within twenty-eight days after each meeting of the legislature, be laid before the assembly, of all monies which shall have been received and paid by the receiver-general, under the authority of this act, distinguishing the amount paid on account of each parish, and otherwise, and the sums from time to time paid for interest and principal, or either, on the loan raised under this act.

Committees of parishes not within this act, not interfered with.

Fourteenth—Nothing in this act contained shall abridge or interfere with the authority, functions, or action of any committee under either of the recited enactments, in respect to any parish not within this act, in respect to the procuring, performance of repairs, the filling up of vacancies, and the quorum, or number sufficient for the despatch of business, shall apply to any committee under either of the recited enactments in respect to any such parish.

SCHEDULE

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

	£.	s.	d.	£.	s.	d.
ST. ANDREW.						
Repairing court-house, shed, and privies	150	0	0			
Building a church in St. Christopher's district	500	0	0			
Towards repairing the school house at Halfway-Tree	235	0	0			
				885	0	0
PORT-ROYAL.						
Repairing court-house, Rodon Vale	180	0	0			
Repairing lock-up, ditto	87	0	0			
Repairing ditto, Harbour Head	28	0	0			
Repairing ditto, town	30	0	0			
				325	0	0
ST. DAVID.						
Repairing court-house	96	0	0			
Repairing poor-house	12	10	0			
Repairing lock-up	90	0	0			
Repairing St. John's chapel	78	0	0			
Building a new school house at Eastington	190	0	0			
				466	10	0
METCALFE.						
Towards building a new church at Annotto Bay	1000	0	0			
To building a police station	150	0	0			
Repairing lock-up	50	0	0			
				1200	0	0
ST. THOMAS IN THE EAST.						
Towards building a new church at Morant Bay	1200	0	0			
Enlarging the chapel at Bath	450	0	0			
				1650	0	0
ST. JOHN.						
Finishing chapel (Point Hill)	100	0	0			
Repairing parish church	150	0	0			
Repairing Luidas Vale chapel	50	0	0			
				300	0	0
ST. DOROTHY.						
Repairing parish church and rectory	251	0	0			
Repairing St. Phillip's chapel	93	0	0			
Repairing St. George's ditto	95	0	0			
Repairing court-house and outbuildings	58	0	0			
				497	0	0
				ST. JOHN		

ST. JOHN AND ST. DOROTHY.

£. s. d.

£. s. d.

Repairing lock-ups

15 0 0

ST. MARY.

Repairs of court-house, police station, and lock-up, &c.

540 0 0

Less granted by twenty-fifth Victoria, chapter seventeen

330 0 0

210 0 0

Rectory - £100 0 0

Retreat chapel 250 0 0

Highgate ditto 330 0 0

680 0 0

Less granted by twenty-fifth Victoria

398 10 0

281 10 0

Specifications - 12 10 0

294 0 0

Building porticos to the church

504 0 0

100 0 0

SAINT ANN.

Towards building a new church

1000 0 0

Repairing jail, and station at jail, St. Ann's Bay

300 0 0

Repairing poor house - 250 0 0

Repairing lock-up at Brown's Town 25 0 0

Repairing ditto, Moncague 40 0 0

To make good any deficiency in estimate - 35 0 0

650 0 0

CLARENDON.

Repairing church at Chapelton 927 10 0

Repairing school-house - 320 13 4

Repairing Arthur's Seat chapel 310 0 0

Repairing Lime Savanna ditto 219 0 0

1777 3 4

Less granted by twenty-fifth Victoria, chapter sixteen -

1400 0 0

say 400 0 0

VERE.

Rebuilding Kemp's Hill chapel

600 0 0

Repairing lock-ups and police stations

200 0 0

MANCHESTER

	£.	s.	d.	£.	s.	d.
MANCHESTER.						
Towards enlarging St. George's chapel	200	0	0			
For erecting galleries and repairing parish church	80	0	0			
				280	0	0
ST. ELIZABETH'S.						
Towards rebuilding Lacovia church, in addition to funds in hand.	700	0	0			
Repairing lock-ups	50	0	0			
				750	0	0
WESTMORELAND.						
Rebuilding lock-up, police station, &c.	250	0	0			
Building a church at Bluefield's	1000	0	0			
To assist in the building of the King's district chapel and school	150	0	0			
				1400	0	0
HANOVER.						
To make up contracts				100	0	0
ST. JAMES.						
To complete Montpelier chapel	125	0	0			
Repairing Montego Bay court-house	350	0	0			
Repairing lock-up, police	100	0	0			
Repairing police station, to be repaid from rents	40	0	0			
N. Malcolm, for specifications—balance	16	17	0			
				say 631	10	0
TRELAWNY.						
To make up contracts	100	0	0			
Lock ups	15	0	0			
				115	0	0
ST. CATHERINE.						
Towards repairing the cathedral				2000	0	0
NEW LUNATIC ASYLUM.						
Building new kitchen wall, and otherwise				176	0	0
Repairing St. Michael's school house, Kingston				25	0	0
Repairing (if required, and if kept up as a residence for the bishop), Bishop Lodge				500	0	0
				Repairing		

	£.	s.	d.
Repairing No. 3 building, &c. Maroon Town barracks	100	0	0
PORTLAND.			
Towards building a new chapel at St. Margaret's Bay	330	0	0
ST. GEORGE.			
For enlarging the chapel at Hope Bay	200	0	0
KINGSTON.			
Towards rebuilding and repairing the market (if required)	1,500	0	0
	£16,900	0	0

C A P. XXI.

An act to repeal the twenty-second section of the act of the twenty-first Victoria, chapter thirty-four, and the sixth section of the act of the twenty-fourth Victoria, chapter twenty-six, relating to the certificate of payment of land tax, and to make other provision in lieu thereof.

BE it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :

22d sec. of 21st Vic. cap. 34, and 6th sec. of 24th Vic. cap. 26, repealed.

First—The twenty-second section of the act of the twenty-first Victoria, chapter thirty-four, and the sixth section of the act of the twenty-fourth Victoria, chapter twenty-six, are, and each of them is hereby repealed, but without prejudice to any act done, or payment made thereunder respectively.

Island secretary shall not record any deed unless a certificate of the payment of land tax is annexed thereto.

Second—It shall not be lawful for the island secretary to record any deed relating to land (except leases), the probate whereof shall bear date subsequently to the passing of the act of the twenty-first Victoria, chapter thirty-four, or any patent which shall bear date subsequently to the passing of the said act, unless a certificate to the effect of the form hereunto annexed, of the collector of dues of the parish where the land is situate, which certificate the said collector of dues is hereby required to give, shewing that the land taxes have been paid or redeemed, shall be annexed to, or endorsed upon such

patent that the land tax has been redeemed, or that ereof for the then preceding five years, payable on the comprised, have been fully paid and discharged; and cretary is hereby required to record such certificate, l or patent to which it refers, and shall be entitled to ording such certificate after the rate of one shilling and r legal sheet of one hundred and sixty words, or frac- hereof.

ch lyp
h Town

FORM OF CERTIFICATE OF COLLECTOR OF DUES.

s. day of 186

h of

I hereby certify that the land tax has been redeemed (or that all has been paid for five years last past to the

186) on acres of land, situ-
in the parish of known as

C. D.

collector of dues for parish of

C A P. XXII.

An act to facilitate the exportation of dye and other woods, and to remit tonnage dues or duties in certain cases.

WHEREAS it is desirable to afford facilities for exporting the dye and other woods of this country; and a reduction of tonnage dues or duties, payable by vessels laden therewith, will materially aid thereto: *Be it therefore enacted by the lieutenant-governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,*

Preamble.

That from and after the passing of this act, whenever it shall appear to the satisfaction of the officers of the customs, by the manifest or otherwise, that the inward cargo of any ship or vessel arriving in this island consisted wholly of coal, or ice, or that any ship or vessel had no inward cargo, but arrived wholly in ballast, and that any ship or vessel so arriving has cleared out of the customs with a cargo consisting wholly of dye or other woods, the growth and produce of this island, save only two tons, and no more, of

Vessels arriving with coal, or ice, or in ballast, and taking a cargo of dye woods, relieved from payment of half of tonnage dues.

3 L

other

other general cargo, which shall be allowed to each such ship or vessel, it shall and may be lawful, and the officers of the customs are hereby authorized to remit unto, and release any such ship or vessel from the payment of one-half of the amount of tonnage dues or duties, which would have been by law demandable from, and payable by any such ship or vessel had she arrived and cleared out with a full general cargo, and to collect from each such ship or vessel the other half of the amount of the tonnage dues or duties which would have been by law demandable and payable, had such ship or vessel so arrived and cleared out as last aforesaid, and to pay, apply, and appropriate the amount, so collected as by law directed, to and for the use of the government of this island.

C A P. XXIII.

An act in aid of the twenty-third Victoria, chapter seventeen, entitled "An act to provide for registering duly qualified medical practitioners."

BE it enacted by the lieutenant-governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,

Any fellow, &c. of any college other than of Great-Britain, may, upon examination and obtaining a certificate, practice medicine, &c. in this island,

First—That notwithstanding any thing to the contrary contained in the twenty-third Victoria, chapter seventeen, entitled "*An act to provide for registering duly qualified medical practitioners*," whenever any fellow, member, licentiate, or extra licentiate of any college or faculty of physicians and surgeons, or society of apothecaries of any college, faculty, or society, elsewhere than in the united kingdom of Great-Britain and Ireland, who shall not have been actually practising medicine and surgery, or medicine or surgery in this island, prior to the passing of the said act, twenty-third Victoria, chapter seventeen, shall desire to practice medicine and surgery, or medicine or surgery in this island, and shall possess and produce such diplomas, certificates, and testimonials as the board of medical examiners appointed, or to be appointed under the hereinbefore recited act of the twenty-third Victoria, chapter seventeen, shall consider a sufficient guarantee for an examination, and shall pass an examination in medicine and surgery, or medicine or surgery, before the said board, and shall obtain a certificate from such board of medical examiners that he has produced satisfactory diplomas, certificates, or testimonials, and that he is qualified to practice medicine and surgery, or medicine or surgery in this island, it shall be lawful for such person, upon producing to the registrar, appointed under the said act, a declaration, to be made before any justice of the peace, according to the form C annexed

nexed to the said twenty-third Victoria, chapter seventeen, declared to and signed by him, and impressed with a stamp or stamps of eleven guineas, to be, and he is hereby declared entitled to be, registered under the said act as a duly qualified medical practitioner, and to practice as such.

Second—Before the meeting of the board of medical examiners, directed to be held as aforesaid, the person about to present himself for examination shall pay to the secretary of such medical board all charges or expenses incidental to such meeting.

paying the expenses of a board of medical examiners.

Third—This act shall not come into operation till the first day of August, one thousand eight hundred and sixty-three.

Suspending clause.

Fourth—That the certificate, provided by this act to be given by the board of examiners, shall be to the following effect:

Form of certificate.

This is to certify, That of the parish of on application made by him to us, was, on the day of last, examined by us touching his qualification to practice as a medical practitioner; and that at such examination he produced before us satisfactory and sufficient diploma, certificate, or testimonials, and that, having been first duly examined by us, he satisfied us that he is a fit and proper person, and qualified to practice medicine and surgery (or medicine or surgery), and that he may be registered under the authority of "The Medical Act, 1859."

(To be signed by the members of the board of medical examiners, or any two of them.)

And countersigned by the secretary.

To the registrar under "The Medical Act, 1859."

C A P. XXIV.

An act for granting to her majesty certain sums of money, required for defraying certain expenses of the civil government, and certain other expenses connected with the public service, for the year one thousand eight hundred and sixty-three.

ANNUAL.

THE

ANNUAL LAWS OF JAMAICA

OF

THE SESSION OF 1863.

[Being the Second Session of the Twenty-Sixth Year of the Reign of Her Majesty Queen Victoria.]

A
T A B L E
OF
THE ANNUAL ACTS
OF
THE SESSION OF 1863.

[SESSION II.]

Shewing the Number of the Page on which each Act commences.

A N N U A L A C T S.		CAP.	PAGE.
[<i>Passed 30th April, 1863.</i>]			
4.	An act to impose additional duties of customs on certain articles of import		1
[<i>Passed 6th May, 1863.</i>]			
13.	An act to revive and continue in force, for a limited period, and to amend the twenty-fifth Victoria, chapter forty-two, (insolvent debtors' law)		2
14.	An act to revive and continue in force, for a limited period, the		
	nineteenth Victoria, chapter twenty-one, and the twenty-third Victoria, chapter thirty-three ("The Vestry Election and Registration [Regulation] Acts")		3
24.	An act for granting to her majesty certain sums of money, required for defraying certain expenses of the civil government, and certain other expenses connected with the public service for the year one thousand eight hundred and sixty-three		4

THE
ANNUAL LAWS OF JAMAICA.

[SESSION II.]

ANNO REGNI VICESIMO SEXTO VICTORIÆ.

C A P. IV.

An act to impose additional duties of customs on certain articles of import.

WHEREAS it is expedient to make provision, in aid of the expenditure of this island, by an additional duty on imports: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble.

First—In addition to the duties already by law imposed there shall be raised, levied, and paid to her majesty, for the support of this island, upon the several articles imported into this island, and enumerated in the schedule hereunto annexed, the several duties therein respectively set forth, on and after the tenth day of April, one thousand eight hundred and sixty three, until the thirty-first day of March, one thousand eight hundred and sixty-four.

Additional duties on articles in schedule to be levied,

Second—Such duties shall be levied, recovered, and received by her majesty's officers of customs, under the like regulations and powers, and subject to the like penalties, and with like protection, and shall be paid over to the receiver-general at the same times, and in the same manner as other duties of customs collected under acts of this island, now or hereafter to be in force, imposing duties of customs.

under the regulations of the customs.

A

SCHEDULE.

SCHEDULE.

On each cwt. of codfish	£0	1	0
Ditto gallon of brandy	0	1	0
Ditto ditto wine (in bottle)	0	0	9 $\frac{3}{4}$
Ditto ditto ditto (in bulk)	0	0	3 $\frac{3}{4}$
Ditto ditto gin	0	2	0
Ditto ditto British spirits	0	3	0
Ditto barrel beef	0	4	0
Ditto ditto pork	0	4	0
Ditto ditto tongues	0	4	0
Ditto cwt. rice	0	1	0
Ditto bushel of wheat	0	0	4
Ditto pound of manufactured tobacco	0	0	2
Ditto ditto leaf or unmanufactured tobacco	0	0	1 $\frac{1}{2}$

C A P. XIII.

An act to revive and continue in force, for a limited period, and to amend the twenty-fifth Victoria, chapter forty-two, (insolvent debtors' law.)

BE it enacted by the lieutenant-governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :

The 25th Vic. cap. 42, and 14th Vic. cap. 47, revised, and continued in force until 31st March, 1864.

Revival not to render persons liable to actions for proceedings after expiry.

Official assignees to enter into security.

Chief judge may convene court for discharge of insolvents.

First—Notwithstanding the expiry of an act, passed in the twenty-fifth year of the reign of her present majesty the queen, chapter forty-two, entitled “*An act to continue in force, for a limited period, the acts of the eleventh Victoria, chapter twenty-eight, and the fourteenth Victoria, chapter forty-seven (insolvent debtors' law), and for other purposes,*” the same, and all acts thereby continued or revived, shall be deemed to have been in force until the passing of this act, and the said recited act is hereby revived, and continued in force until the thirty-first day of March, one thousand eight hundred and sixty-four: *Provided*, That the revival and continuance of the said act shall not render any person liable to any action or suit for any proceeding taken, or act done by him during the interval between the expiry and the re-enactment of the said act *And provided also*, That the official assignees shall, immediately after the passing of this act, enter into security for the due and faithful performance of their duties, as prescribed by the said revived acts.

Second—That it shall be lawful for the chief judge, or any other judge of the supreme court, acting for the time being, within three weeks

weeks from the passing of this act, to convene, by notice in the Jamaica Gazette, for one week, a special court for the relief of all insolvent debtors for the county of Surry, to be held in the city of Kingston, and all such insolvent debtors who shall have lodged their schedules, and complied with the terms of the eleventh Victoria, chapter twenty-eight, shall be entitled to relief from their debts and liabilities, as they would have been under the provisions of the said last-mentioned act, and be subject to all the provisions of the said act; and all notices of opposition served on any such insolvent, seven days before the meeting of such court, shall be deemed valid for the said special court.

Third—That notices of opposition may be signed or served by an opposing creditor in person or agent, and that service of such notice once effected shall enure for any subsequent court at which the insolvent shall appear to claim the benefit of the act, unless the creditor shall intermediately have expressly withdrawn and abandoned his opposition.

Notice of opposition may be signed by the opposing creditor or agent.

C A P. XIV.

An act to revive and continue in force, for a limited period, the nineteenth Victoria, chapter twenty-one, and the twenty-third Victoria, chapter thirty-three ("The Vestry Election and Registration [Regulation] Acts.")

BE it enacted by the lieutenant-governor, legislative council, and assembly of this island, and by the authority of the same, as follows; that is to say,

First—Notwithstanding the expiry of the act of the nineteenth Victoria, chapter twenty-one, "The Vestry Election and Regulation Act, 1856," and the act of the twenty-third Victoria, chapter thirty-three, to amend "The Vestry Election and Regulation Act, one thousand eight hundred and fifty-six," nineteenth Victoria, chapter twenty-one, so much of the firstly recited act as was not repealed, altered, or amended by the secondly recited act, and such secondly recited act respectively, shall be deemed to have been in force until the passing of this act; and so much of the firstly recited act as aforesaid, and such secondly recited act are, and each of them is hereby revived and continued in force until the thirty-first day of March, one thousand eight hundred and sixty-four.

19th Vic. cap. 21, and 23d Vic. cap. 33, or so much of the former as is not repealed, revived, and continued in force until 31st March, 1864.

C A P. XXIV.

An act for granting to her majesty certain sums of money, required for defraying certain expenses of the civil government, and certain other expenses connected with the public service, for the year one thousand eight hundred and sixty-three.

Preamble.

WE, your majesty's dutiful and loyal subjects, the assembly of Jamaica, towards making good the supply which we have granted to your majesty in this session, have resolved to grant unto your majesty the sums hereinafter mentioned, which are required to defray certain expenses of the civil government of this island, not otherwise provided for by law, and for other purposes, for the year one thousand eight hundred and sixty-three; and do therefore most humbly beseech your majesty that it may be enacted: *Be it therefore enacted by the lieutenant-governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Receiver-general to pay sums set forth in schedule.

First—The receiver-general of this island do, from and out of any unappropriated moneys in his hands, pay and apply a sum not exceeding twenty-one thousand one hundred and thirty-four pounds ten shillings and three pence, for defraying the several charges and expenses of the civil government of this island, and other purposes for the year one thousand eight hundred and sixty-three, set forth in the schedule to this act,

Detailed account of moneys expended under this act to be laid before the assembly.

Second—A detailed account of all the moneys expended under the authority of this act shall be laid before the assembly of this island during the first fifteen days of the session of the legislature next after such expenditure.

SCHEDULE.

SCHEDULE.

Sums Granted to her Majesty by this Act, and the Purposes for which they are Granted.

	£.	s.	d.
For paying the interest on Smith's charity, the sum of -	108	0	0
For paying the following charities, <i>videlicet</i> :			
Merrick's -	£ 72	0	0
Presbyterian institution	181	0	0
	253	0	0
For paying the interest on Wolmer's fund, (£2400) -	144	0	0
For paying to Judith Palmer, upon the terms and conditions required by the eightieth clause, fiftieth George third, chapter seventeen, passed to regulate the militia, upon a certificate being produced, signed by the rector, churchwardens, and members of the parish, or any two of them, that she is alive, the sum of -	33	12	0
For paying to Isabella M'Ghie, upon the terms and conditions required by the eightieth clause of the fiftieth George third, chapter seventeen, passed to regulate the militia, upon a certificate being produced, signed by the rector, churchwardens, and members of the parish, or any two of them, that she is alive, the sum of -	33	12	0
For paying to James Popkin, late a policeman, by quarterly payments, provided his receipt shall be accompanied by a medical certificate that he continues blind, and is incapable of earning his livelihood, the sum of -	24	0	0
For paying to Millicent Evans, in consideration of her destitute situation, occasioned by the death of her husband, late sergeant of police, who was killed by some person or persons unknown, while in the execution of his duty, the sum of -	8	0	0

For

£. s. d.

For paying to Ann Lumsey, in consequence of the injury she sustained by a gun-shot wound, which she received in December, 1841, at the riot in Kingston that month, while in the performance of her peaceable avocations; and that such sum be paid annually, on its being certified by the rector and churchwardens that she is alive, the sum of - 8 0 0

As an additional grant for clerks, and contingencies in the treasury and audit office, the sum of - 300 0 0

For the services of a clerk in the stamp office, the sum of - 150 0 0

For the services of an assistant clerk in the rum duty department, the sum of - 150 0 0

For postages and contingencies in the rum duty department, the sum of - 100 0 0

For the services of an additional locker and guager in Kingston, for six months, the sum of - 75 0 0

For paying the travelling expenses of the customs' department in the supervision of out-ports, and in the removal of officers from one port to another, the sum of - 150 0 0

For paying to John James Vidal, esquire, registrar of the diocese, for recording returns of baptisms, marriages, and burials, and for other services, the sum of - 139 1 9

For paying to the committee of the Roman Catholics of the county of Cornwall, and leeward portion of the county of Middlesex, or any two of them, towards affording religious instruction to the Roman Catholics for the year 1862, the sum of - 100 0 0

For paying to the elders and members of the church of Scotland, as by law established, or any three of them, in aid of that institution, for the year 1862, the sum of 367 10 0

For paying to the reverend Jonathan Edmondson,

	£.	s.	d.
son, the superintendent of the Wesleyan mission in this island, or the superintendent for the time being, towards the repairs of Coke chapel, in the city of Kingston, the sum of - -	200	0	0
For paying to the reverend Abraham Hyams, in aid of the repairs of the chapel of the United Methodist Free Church, the sum of	50	0	0
For payment of services performed by the crier of the supreme court -	20	0	0
For paying to Alexander Wells Aikman, solicitor to the crown, for law business performed, the sum of - -	869	19	11
For paying to the executive committee, on account of John Augustus Sullivan, esquire, provost-marshal-general, for warning jurors for the several courts of assize for the year 1862, for fees in the county of Surry, Middlesex, and Cornwall, on releasements and commitments of prisoners and debtors, and taking insolvents to be bailed, to 30th September, 1862, the sum of -	428	7	8
For paying to David J. Soares, being the amount of his account against the public as deputy-marshal, for taking debtors to be bailed, the sum of - -	19	2	0
For paying to Michael A. Nunes, being the amount of his account against the public as deputy-marshal, for travelling and other expenses for taking debtors to be bailed, the sum of -	37	10	0
For paying to William Silvera, being the amount of his account against the public as deputy-marshal, for travelling and other expenses in taking debtors to be bailed, the sum of	16	1	0
For paying to J. M. Sailman, being the amount of his account against the public as deputy-marshal, for travelling and other expenses in taking debtors to be bailed, the sum of	8	5	0
			For

£. s. d.

For paying the water-police in the city of Kingston, employed, and to be employed in aid of the Kingston division of police, with the powers and authorities, and subject to the provisions of the "Police Act, 1861," and that a sufficient amount, not exceeding £21 18s. be appropriated out of the contingency fund under the "Police Act, 1861," to provide uniform, and wood, water, and other contingencies, and medical attendance for the said water police respectively, at the rates allowed by the recited act, per man, for the general police force, the sum of - 237 5 0

To meet expenses of removals and extra allowances in the police force in removals, by the governor, of any inspectors, sergeants, or privates of police from any districts, parishes, or divisions, to do duty with, and be attached to any other division in any other districts, or parishes, as the interests of the service shall, to the governor, seem to require, the sum of - 100 0 0

For paying to Richard A. Leake, in consideration of twenty-seven years' service in the Jamaica police force, the sum of - 120 0 0

For the contingencies of the legislative council of this island - 300 0 0

For providing a set of robes and hat for the speaker, the sum of - 25 0 0

For paying to James Philip Clarke, £240; James Gayleard, £240; and William George Macfarlane, £240, for their services as committee clerks, on the terms and conditions mentioned in, and agreeably to the amended report in the clerk's office, agreed unto by the house on the 10th December, 1861 - 720 0 0

For paying to the clerk of the assembly, to reimburse himself for contingencies of office, the sum of £80; and also for paying to the said clerk to the assembly, to defray the expense of stationery and postages, the sum of £60, agree-

ably

	£.	s.	d.
ably to the amended report in the clerk's office, agreed unto by the house on the 10th Decem- ber, 1861	140	0	0
For paying quarterly to Alexander Deleon, for salary as messenger to the house, for his care of the public buildings, and the upper part of the new buildings; as also for his care of the robes, and mace, and furniture in the new buildings, and hire of servants to attend the house for the year 1863, the sum of	260	0	0
For paying to William Deleon, for his attendance on the members of the house, the sum of	30	0	0
For paying to Alexander Deleon, junior, for his attendance on the members of the house, the sum of	30	0	0
For paying to William Halliday, for his attend- ance on the members of the house, the sum of	15	0	0
For paying to Henry Deleon, for his attendance on the members of the house, the sum of	15	0	0
For paying to Samuel Tucker Webley, for his services as doorkeeper to the assembly, the sum of	35	0	0
For paying to the executive committee for candles, ice, and oil, and for the lighting up the assem- bly rooms during the last session, the sum of £100; and also for paying to the said execu- tive committee the sum of £50 for the like pur- pose for the present session	150	0	0
For paying to Alexander Deleon, for balance of accounts incurred but not covered by amount of grant for candles, ice, and oil, and for light- ing up the assembly rooms during the session 1861-62.	24	3	5
For paying to James M'Pherson, for keeping in repair the assembly clock for one year ending 31 [31st] October, 1862, the sum of	15	0	0
For paying to the library committee, for the pur- B			chase

	£.	s.	d.
chase of books and other contingencies of the library for the year 1863, the sum of £100, and the further sum of £20 for making and publishing a catalogue	120	0	0
For the library committee, for the purchase of the British Parliamentary Debates for the assembly, the sum of	30	0	0
For salary to a clerk to the executive committee, the sum of	175	0	0
For the services of additional clerks to the executive committee, the sum of	175	0	0
For paying to Andrew Dunn, esquire, M. D. for services as medical attendant at new lunatic asylum from 21 [21st] March to 11 [11th] August, 1862, inclusive, at quarterly salary, and as acting medical superintendent from the 12 [12th] August, when the female lunatics were also transferred to the new asylum to the 14 [14th] October, 1862, at half salary, the sum of	55	17	9
For paying Mrs. Barnett, in consideration of upwards of seventeen years in the service of the public hospital as matron, and always found careful, painstaking, and correct in the performance of her duties, but now, from age, physically inactive, and unequal to a continuance in that office, and without the means of subsistence otherwise, the sum of	25	0	0
For educational purposes, the sum of	3000	0	0
Towards obtaining the services of an inspector of schools, additional to the provision under the competitive examination act, 25 Victoria, chapter 6, the sum of	250	0	0
For paying contract advertisements, and other printing not under contract, the sum of	150	0	0
For paying to the executive committee, for the purchase of a site for a police station opposite the general penitentiary, the sum of	50	0	0

For

	£.	s.	d.
For the erection of a police station opposite the general penitentiary, the sum of -	400	0	0
To complete the superintendent's residence at the general penitentiary, the sum of -	175	0	0
For militia and for volunteer purposes, the sum of -	1140	0	0
For keeping the public buildings in order for the year 1863, the sum of -	500	0	0
For the settlement of outstanding accounts for works at new lunatic asylum, the sum of	455	19	8
For paying to the honorable Walter George Stewart, island secretary, for recording the laws, for furnishing the contractor for printing the laws with copies of the same, as they severally passed the legislature, and for other services, the sum of -	226	12	0
For paying the salary of the island storekeeper, the sum of -	144	0	0
For the pay of the non-commissioned officers and gunners employed in cleaning and repairing the island arms, the sum of -	50	0	0
For supporting the Milk River Bath, in addition to the sum granted by law, the sum of	144	0	0
For supporting the Bath of Saint Thomas the Apostle, the sum of -	144	0	0
For aid in the completion of the repairs of the court-house at Bath, to be repaid out of the rents arising therefrom, the sum of	197	13	1
For aid in the erection of a house at the fountain for invalids resorting to the Bath of Saint Thomas the Apostle, the sum of -	252	14	1
For paying the salary of the island botanist, the sum of -	300	0	0
For paying the salary of an assistant gardener to the botanic garden, and for lodging-money, the sum of -	120	0	0

	£.	s.	d.
For paying to William Thomas March, Francis Robertson Lynch, and Charles Hamilton Jackson, esquires, to be by them expended for gardens in front of the public buildings and legislative council chambers, and for keeping up the same for the year 1863, the sum of -	50	0	0
For the rent of a piece of land belonging to the Titchfield trust, the sum of . -	9	0	0
In aid of the royal society of arts in this island, the sum of . -	100	0	0
For the purpose of defraying the personal and travelling expenses, and field allowances of geologists and mineralogists, employed by her majesty's government for the geological survey of this island, the sum of -	880	0	0
For incidental expenses, incurred in conducting the geological survey, 1862, the sum of	7	1	6
For the purchase of a barometer for geological purposes, the sum of -	8	0	0
For paying to the executive committee, to be by them paid to Augustus Constantine Sinclair, for compiling and publishing the debates in the assembly and legislative council; provided that the publication of such debates takes place within four months after the termination of the sessions, the sum of -	300	0	0
For defraying expenses of forwarding contract copies of Laws, and annual Votes of legislative council, and Votes of assembly to members of the legislature, and other parties entitled to them, the sum of -	45	0	0
In aid of the Metcalfe dispensary, on condition that a report be sent to the assembly, shewing the expenditure of the amount, the sum of	150	0	0
For the use of the royal mail steamer packet "Wye," in the conveyance of troops to and from Falmouth, the sum of	100	12	9
For stationery for the governor's secretary's office,			the

	£.	s.	d.
the sum of £60; and the additional sum of £40 for duties on stationery imported by him for eight years last past	100	0	0
For paying to Messrs. Jordon and Osborn, for printing 150 copies of insolvent law amendment bill, the sum of	40	10	0
For paying to Messrs. Jordon and Osborn, for copying the lithographs, &c. in the hospital commissioners' report, the sum of	40	0	0
For paying to Messrs. Jordon and Osborn, for binding 125 copies of the hospital commissioners' report, at 2s. 6d.	15	12	6
In aid of the Saint George's alms house, Kingston, the sum of	30	0	0
For paying to the executive committee, to make good moneys stolen from public hospital patients, the sum of	15	15	0
For paying to Thomas Harrison, esquire, crown surveyor for Surry, for attending on behalf of the crown at survey of lines between Hill Side and Scott's Hall, the sum of	6	6	0
For paying to Roger Swire, esquire, acting crown surveyor for Surry, for surveys, &c. directed to be performed by him, the sum of	33	2	3
For paying to William Behan, five months of half salary as acting superintendent, employed under magistrates' orders at Falmouth district prison, from 8th August, 1859, to 10 [10th] January, 1860, the sum of	31	5	0
For furnishing piles to mark chaunnels in harbours of Old-Harbour, Clarendon Bay, and Salt-River, the sum of	20	0	0
For paying to the executive committee, in aid of Lady Mico's institution in this island, the sum of	450	0	0
For paying to John S. Channer, for balance of account passed by the local board of health of			

Saint

	£.	s.	d.
Saint Elizabeth, but remaining unpaid, the sum of	7	2	6
In aid of the allowance for medical attendance on the prisoners in lock-up stations through the several parishes for six months, the sum of	100	0	0
For paying to John Hamilton, as compensation for hardships sustained in consequence of having been apprehended in mistake for another person, for whose apprehension a warrant had been issued, the sum of	5	0	0
To provide for unforeseen expenditure, the sum of	100	0	0
To procure the calculations and report of an actuary, to form the basis of an act for the establishment of a superannuation fund, for the benefit of public officers in this colony, the sum of	200	0	0
To make up the amount required for the repairs of the Rio Pedro bridge, the sum of	55	0	0
For reconstruction of portion of road near Freeman's Hall, and at Black Grounds, Trelawny, the sum of	200	0	0
For payment of casual immediate work or services required to be paid for in parishes, after exhaustion of ordinary means, the sum of	220	0	0
For keeping in repair the road from Port-Morant to Bath, for six months, the sum	60	0	0
Towards the purchase of a site for the girls' reformatory, and repairs in addition to sum derivable from industrial schools' fund, the sum of	200	0	0
For paying to the managing committee of the Kingston nurse training institution, in aid of the said institution, the sum of	200	0	0
For paying to the registrar of the diocese, for transcripts and binding, &c. required in his said office, the sum of	88	0	0
For refunding the amount of stamp duty paid on			
commission			

	£.	s.	d.
commission of the inspector and director on the passing of the new hospital act, the sum of	8	0	0
In aid of an alms house in the city of Kingston, the sum of	200	0	0
In aid of the alms house, in connection with the Kingston parish church, the sum of	70	0	0
For paying to Thomas Oughton, as compensation for the damage sustained by him, by the pulling down of certain premises belonging to him, on the occasion of the fire in Kingston, on the 23d December, 1862, to prevent the fire from spreading, as assessed by the corporation of that city, the sum of	162	0	0
For paying to Charles Hamilton Jackson, esquire, for acting as speaker <i>pro tempore</i> , during the absence, occasioned by illness, of Mr. Speaker, the sum of	200	0	0
To be placed at the disposal of the custodes and members of assembly for the parishes of Saint Thomas in the Vale, Saint Andrew, and Metcalfe, or any three of them, to be expended in the completion of the bridge over the Spring Gully, commonly called "Dundee Spring," the sum of	50	0	0
For paying to the executive committee, for extra expence incurred for candles, ice, and oil, during the present session, in consequence of the protracted late sittings of the house, the sum of	35	0	0
To meet the balance due on contract, and cost of extra work for the repairs of the Holland and Duckenfield bridge, Plaintain Garden River Bay district, not covered by the amount of the grant under 22 Victoria, chapter 50, provided that the work shall be completed to the satisfaction of the executive committee, the sum of	273	15	6
To reimbursing the directors of the Falmouth Water Company, being the amount of stamp			duties

£. s. d.

duties paid by them under the act 21 Victoria, chapter 26, on the bill in aid of the Falmouth Water Company's Acts, provided that no remission of the stamp on the bill of last session has been allowed, the sum of

80 0 0

For paying to Giacomo Arnaboldi, amount paid for rum duties on 175 gallons of rum, shipped on the "Salopian," in the year 1851, he having, through ignorance, failed to procure a certificate of the exportation of such rum, to entitle him to obtain the drawback, the sum of

17 14 0

For paying to the honorable Alexander Joseph Lindo, and George Geddes, esquire, members [of] assembly for the parish of Saint Mary, and the honorable Henry Westmorland and George Scotland, esquire, members of assembly for the parish of Metcalfe, towards the reconstruction of the Highgate road, from Claremont estate, in Metcalfe, to the junction of the main road at Ballard's Valley estate, in St. Mary, the sum of £300; and for paying to the said Alexander Joseph Lindo, George Geddes, Henry Westmorland, and George Scotland, towards the reconstruction of the road from the junction of the main road, at Trinity estate, to the works on Brunmer [Brimmer] Hall estate, Saint Mary, the sum of £200, making together

500 0 0

For paying to Margaret Maria Jolly, in consideration of her late husband, Commander Jolly, having brought to this island, in the year 1858, the "Clementina," loaded with Africans, in doing which he was put to considerable expense and loss, the sum of

100 0 0

For paying to the reverend Joseph Williams, by way of settlement of his claim as rector of Portland, for allowance for glebe and rectory, taxes, law expenses, and interest, the sum of

198 0 0

For payment, quarterly, to John Daughtrey, during the remainder of his life, for services rendered to the island by him in his late office of inspector of prisons, at the rate of, *per annum*

200 0 0

For

	£.	s.	d.
For paying to the president and vice president of the united Jewish congregation of Spanish-Town, towards the repairs of two places of worship in connection with the said congregation, the sum of	200	0	0
For payment to the reverend Josiah Cork, to aid him in completing the following school houses in the Clarendon mountains, namely, Good Hope, Wildman's Gift, and Authur's Seat, and that a return be made to the executive committee of the expenditure of the grant, the sum of	150	0	0
For refunding to Charles Levy, esquire, amount of duty paid by him on 41 packages of iron roofing, imported by him, the sum of	16	6	11
For paying to James Gibson, on the ground that the accident, which caused him the entire loss of his sight, occurred while he was engaged blowing stones for the repairs of the public roads, the sum of	16	0	0
For paying to Alfred Holt, by his agent, William Wright, being the fine imposed upon him by the executive committee for breach of contract, the sum of	450	0	0
For paying to the library committee the subscriptions to the newspapers ordered by the resolution of the house of the 31 [31st] March last, for the use of the members of the house, the sum of	30	0	0
For paying to the members of the executive committee, for remunerating the attendants on the house for the extra session, the sum of	20	0	0
	<u>£21,134</u>	<u>10</u>	<u>3</u>

The receiver-general is hereby directed to transfer to the main road fund, from the balance of eight thousand four hundred and sixty-two pounds four shillings and eight pence, returned by him as due at the thirtieth September, one thousand eight hundred and sixty-two, on account of the perpetual annuity, the sum of six thousand four hundred pounds, the portion of such

Receiver-general to transfer certain monies to main road fund, &c.

C

such

such balance borne and provided in the estimates of the financial year ending thirtieth September, one thousand eight hundred and sixty-two.

£516 out of "Industrial Schools' Act" fund, to be appropriated for obtaining a location, &c. for the girls' reformatory.

That for obtaining a permanent and suitable location of the girls' reformatory a sufficient sum, not exceeding five hundred and sixteen pounds, out of the funds provided under "The Industrial School's Act," be appropriated for the purchase of Studley Park pen, with its appurtenances, near Kingston, to be settled for the purposes of the institution.

£415 9s. 3d. balance of grant for repairs of the Lethe bridge, transferred for repairs of other bridges in St. James.

That the sum of four hundred and fifteen pounds nine shillings and three pence, balance of the grant under the act of the twenty-second Victoria, chapter fifty, for repairs of the Lethe bridge, in the parishes of Saint James and Hanover, remaining after completion of all required repairs, be transferred and appropriated in aid of the grant made, but found insufficient for repairs of the Latium, Williamsfield, and Leyden bridges, in the parish of Saint James.

£257 due for erection of bridge over the Daniel river transferred to main road fund for purpose of erecting same.

That the sum of two hundred and fifty pounds, amount of grant returned by the receiver-general as voted and due for the erection of a bridge over the Daniel river, in the parishes of Saint George and Portland, be transferred to the main road fund, for the purpose of erecting the bridge.

Additional import duties to be applied to main road purposes till 30th Sept. 1863, and afterwards to general public service.

The additional duties of customs on certain articles of import, levied by the act of this session, shall be applied to main road purposes until the thirtieth day of September, one thousand eight hundred and sixty-three, and thereafter for the general public service, or as may otherwise be directed by any act hereafter to be passed.

Annual instalment of principal and interest payable for parishes under 18th Vic. cap. 60, to be ascertained and raised as part of annual general expenditure.

That in lieu of communicating with the vestry of each parish, to which advances shall have been made under the act of the eighteenth Victoria, chapter sixty, the annual instalment of principal and interest to be raised and payable on account of each such parish, shall be ascertained, and the total amount of the several annual sums requisite for such principal and interest monies on account of the several parishes shall be stated in the estimates of the expenditure, and amounts required to be raised for the public service, and shall be raised annually accordingly as part of the general expenditure.

Iron roofing to be admitted duty free.

After the passing of this act all iron roofing imported into this island shall be admitted free from any duty whatsoever.

Receiver-general to grant relief on es-

The receiver-general is hereby directed to relieve Henry Darby, and

and Edward Bolton, from the payment of the sum of three hundred and ninety pounds, being two-thirds of the value of certain escheated premises in their petition mentioned; and that the receiver-general do also repay to the said Henry Darby, and Edward Bolton, the sum of sixty-five pounds, being one-sixth of the appraised value paid into the treasury by Sarah Powell, deceased, and cancel the bond entered into by the said Sarah Powell, and her sureties, to secure the payment of the said two-thirds of certain escheated premises.

cheats, to re-pay £65,
and cancel bond, &c.

Ex J. H.
5/19/10

